

**INVENTORY  
OF  
STATUTORY EXECUTIVE  
BOARDS AND COMMISSIONS**

*With Selected Nonstatutory Advisory Organizations*

**LEGISLATIVE COUNCIL SERVICE  
2002 Update**

## **LEGISLATIVE COUNCIL SERVICE INVENTORY OF STATUTORY EXECUTIVE BOARDS AND COMMISSIONS**

This publication began in response to Senate Joint Memorial 46 of the 1995 legislative session, which expressed the legislature's concern over the proliferation of boards and commissions in the executive branch. The legislative council service continues to maintain the inventory as a basic research and information tool for the legislature, the executive and the general public. The original purpose of the inventory was to provide specific information to the legislature about the cost and possible duplication of executive boards and commissions; cost information is no longer compiled, as it becomes outdated too quickly.

### ***Historical Perspective***

Prior to 1977, New Mexico had an extremely diffuse executive that included not only several elected officials, but numerous independent boards and commissions. Opponents of a diffuse executive argue that it dilutes the governor's ability to manage; compromises the legislature's appropriation process; and hinders the public's access to accountable, efficient and effective government. The legislature's and the governor's abilities to demand direct and immediate accountability by state employees also may be particularly curtailed when boards made up of citizens determine policy.

The 1977 reorganization of the executive branch was driven in no small part by the proliferation of executive boards, commissions, councils, committees and agencies that muddled lines of authority, diminished the programmatic effect of appropriations, wasted tax dollars, inhibited public access and contravened accountability. That reorganization instituted a cabinet-style executive organization, with most governmental functions assigned to cabinet departments. Most independent boards, commissions and agencies were subsumed under departments that were under the control of secretaries who were appointed by the governor with the advice and consent of the senate.

However, it was not very long before the state was again faced with a burgeoning executive bureaucracy. In response, the legislature passed Senate Joint Memorial 46 of the 1995 legislature. That memorial requested the legislative council to name an interim committee to

study the consolidation, merger or elimination of executive branch boards and commissions. Believing that basic research was needed before an interim committee could proceed, the legislative council assigned the legislative council service the task of compiling information on advisory, administratively attached and adjunct boards, commissions, committees, councils and similarly constructed agencies of state government.

The *Inventory of Statutory Executive Boards and Commissions* is provided to the legislature, the executive and the public as a starting point to understanding the complex organizational structure of the executive branch.

***Criteria for inclusion in inventory:***

The inventory includes executive boards, commissions, committees and councils that are administratively attached, adjunct or otherwise not under the direct control of the governor, as well as constitutionally created bodies such as the boards of regents, the public regulation commission, the state board of education and the state highway commission. It also includes advisory boards and committees provided for by statute or known to exist by creation of a state agency.

***Inventory design:***

The inventory is divided into subject categories as follows:

- > agriculture
- > commerce and industry, including economic development and labor
- > cultural affairs
- > education, higher
- > education, public
- > environment and natural resources
- > general government
- > health and human services
- > military affairs
- > professional and occupational boards and commissions
- > public safety and criminal justice
- > sports
- > transportation

For each organization, the inventory provides:

- (1) the statutory reference, if applicable;
- (2) organizational status, if provided in statute;
- (3) whether it is a policy or advisory organization;
- (4) whether the legislature has provided rule-making authority;

- (5) whether the organization is required by federal statute, rule or grant;
- (6) whether senate confirmation is required;
- (7) funding sources for the organization;
- (8) membership, if applicable, and length of terms, appointing authority and other information relative to the body;
- (9) other pertinent information;
- (10) the powers and duties of the organization, though the list is not intended to be exhaustive;
- (11) whether research can identify duplication, similarity or connections with other governmental entities; and
- (12) whether there is an existing governmental entity with similar mission that could perform the duties of the organization.

Information provided relative to duplication, similarity or connection with other governmental entities and whether functions can be performed by existing governmental entities should not be construed as policy or political decisions. The questions concern whether another agency *can* perform the functions; not whether another agency *should* do them. The answers are not judgments on the efficacy, efficiency, effectiveness or need of a given organization; rather, they are an attempt to provide the legislature with technical information that highlights similarities of missions or expertise between governmental entities.

***Terms:***

*Advisory* means the entity gives advice only and cannot directly affect the operation of state government or a program of state government.

*Policy* means the entity has been given substantive powers and duties by the legislature and it can direct the operations of a state agency or state program.

*Regulatory authority* means the legislature has granted the power to adopt rules.

*Federal mandate* means federal law, rule or grant program requires the existence of the entity.

*No direct appropriation* means the organization is not identified in the general appropriation act.

## **Elected Officers of the Executive Branch**

Governor  
Lieutenant Governor  
Secretary of State  
Attorney General  
Commissioner of Public Lands  
State Treasurer  
State Auditor  
Public Regulation Commission  
State Board of Education (10 members are elected, five are appointed by the governor with consent of senate)

## **Boards of Regents**

Although appointed by the governor, boards of regents of constitutionally created schools have absolute control over their institutions. Members serve six-year terms and may only be removed for incompetence, neglect of duty or malfeasance in office. The supreme court has exclusive original jurisdiction over proceedings to remove members.

**Special schools:** New Mexico school for the deaf, New Mexico school for the visually handicapped.

**Colleges:** northern New Mexico state school, New Mexico military institute.

**Universities:** eastern New Mexico university, New Mexico highlands university, New Mexico institute of mining and technology, New Mexico state university, university of New Mexico, western New Mexico university.

## **Other State Institutions**

Control of state institutions is provided by law.  
Penitentiary of New Mexico — governor (corrections department)  
Miners' hospital — board of trustees appointed by governor, confirmed by senate  
New Mexico state hospital — governor (department of health)  
New Mexico boys' school — governor (children, youth and families department)  
the girls' welfare home — governor (children, youth and families department)  
Carrie Tingley crippled children's hospital — UNM board of regents  
Los Lunas mental hospital — governor (department of health; facility closed)

## *Table of Contents*

### Agriculture

Acequia Commission .....	1
Beef Council, New Mexico .....	2
Chile Commission, New Mexico .....	
Dry Onion Commission, New Mexico .....	
Peanut Research Board .....	3
Fair Commission, State .....	4
Livestock Board, New Mexico .....	5
Organic Commodity Commission .....	7
Pesticide Advisory Board .....	8
Rangeland Protection Advisory Committee .....	9
Sheep and Goat Council, New Mexico .....	10

### Commerce and Industry

Apprenticeship and Training Advisory Committee .....	12
Apprenticeship Committees .....	14
Apprenticeship Council .....	15
Border Authority .....	16
Border Commission, New Mexico .....	18
Community Development Council, New Mexico .....	19
Construction Industries Commission .....	21
Economic Development Commission .....	23
Hoisting Operators Licensure Examining Council .....	24
Industrial Training Board .....	25
Job Training Coordinating Council, State .....	26
Labor and Industrial Commission .....	27
Manufactured Housing Committee .....	28
Occupational Health and Safety Review Commission .....	29
Occupational Health and Safety Special Committees .....	30
Private Industry Council .....	31
Space Commission .....	32
Tourism Commission .....	33
Unemployment Compensation Board of Review .....	34
Unemployment Compensation State Advisory Council and other industry and special councils .....	35
Workers' Compensation and Occupational Disease Disablement, Advisory Council on .....	36
Workforce Development Board, State .....	37

### Cultural Affairs

Arts Commission, New Mexico .....	39
Cultural Properties Review Committee .....	40
Farm and Ranch Heritage Museum Division, Board of the NM .....	42
National Hispanic Cultural Center, Board of Directors of the New Mexico .....	43
King, Jr., Martin Luther, Commission .....	44
Library Commission, New Mexico State .....	45
Libraries, New Mexico Advisory Council on .....	46
Museum Board of Regents .....	47
Natural History and Science, Board of Trustees of the New Mexico Museum of .....	48
Old Lincoln County Memorial Commission .....	49
Space History Commission, New Mexico Museum of .....	50
 Education, Higher	
Education, Commission on Higher .....	51
Education, State Commission on Post-Secondary .....	53
Education Trust Board .....	55
Health Profession Advisory Committee .....	57
Regents, Boards of State Educational Institutions	
Eastern New Mexico University, New Mexico Highlands University, New Mexico Institute of Mining and Technology, New Mexico Military Institute, New Mexico State University, Northern New Mexico State School, University of New Mexico and Western New Mexico University .....	58
 Education, Public	
Communities in Schools Advisory Board .....	60
Deaf, Board of Regents of the New Mexico School for the .....	61
Healthier Schools Coordinating Committee, New Mexico .....	62
Education, State Board of .....	63
Indian Education Advisory Council .....	65
Public School Capital Outlay Council .....	66
Public School Insurance Authority, Board of Directors of the .....	67
Regional Education Cooperative, Councils of .....	68
Technology in Education, Council on .....	69
Visually Handicapped, New Mexico School for the, Board of Regents of the .....	70
 Environment and Natural Resources	
Coal Surface Mining Commission .....	71
Emergency Management Task Force .....	72
Emergency Response Commission, State .....	73
Environmental Improvement Board .....	74
Forest Stewardship Coordinating Committee .....	76
Game Commission, State .....	77
Hazardous Materials Safety Board .....	79

Office of Interstate Natural Gas Markets Technical Advisory Committee . . . . .	80
Interstate Stream Commission . . . . .	81
Mining Act Advisory Committee . . . . .	82
Mining Commission . . . . .	83
Mining Safety Advisory Board . . . . .	84
Natural Lands Protection Committee . . . . .	85
Oil Conservation Commission . . . . .	86
Park and Recreation Advisory Committee, State . . . . .	88
Radiation Technical Advisory Council . . . . .	89
Radioactive Waste Consultation Task Force . . . . .	90
Soil and Water Conservation Commission . . . . .	91
State Land Trusts Advisory Board . . . . .	93
Storage Tank Committee . . . . .	94
Tree Planting Advisory Committee . . . . .	95
Water Quality Control Commission . . . . .	96
Water Trust Board . . . . .	98
Weather Control and Cloud Modification Commission . . . . .	99
Youth Conservation Corps Commission, New Mexico . . . . .	100
 General Government	
Architect, Engineer, Landscape Architect and Surveyor Selection Committee . . . . .	101
Automated Voter Records System Advisory Committee . . . . .	102
Canvassing Board, State . . . . .	103
Capitol Buildings Planning Commission . . . . .	104
Educational Retirement Board . . . . .	105
Finance, State Board of . . . . .	106
Gaming Control Board . . . . .	108
Governor's Residence Advisory Commission . . . . .	109
Group Benefits Committee . . . . .	110
Historical Records Advisory Board, New Mexico . . . . .	111
Indian Affairs, New Mexico Office of (Commission) . . . . .	112
Information Technology Commission . . . . .	113
Investment Council, State . . . . .	115
Personnel Board . . . . .	116
Private Equity Investment Advisory Committee . . . . .	117
Procurement Standards and Specifications Committee, State . . . . .	118
Public Records, State Commission of . . . . .	119
Public Regulation Commission . . . . .	120
Retiree Health Care Authority, Board of the . . . . .	121
Public Employees Retirement Board . . . . .	122
Risk Management Advisory Board . . . . .	123
 Health and Human Services	
Adolescent Treatment Hospital Governing Board . . . . .	124

Adult Protective Services Advisory Board .....	125
Aging, Advisory Committee to the State Agency on .....	126
Air Transport Advisory Committee .....	127
Blind, Commission for the .....	128
Brain Injury Advisory Council .....	130
Child Development Board .....	131
Children, Youth and Families Advisory Committee .....	132
Children's Trust Fund Board of Trustees .....	133
Deaf and Hard-of-Hearing Persons, Commission for .....	134
Developmental Disabilities Planning Council .....	135
DWI Grant Council .....	137
Emergency Medical Services Advisory Committee, Statewide .....	138
Emergency Medical Services, Joint Organization on Education in .....	139
Emergency Medical Services Licensing Commission .....	140
Food Service Sanitation Advisory Council .....	141
Handicapped, Governor's Committee on Concerns of the .....	142
Handicapped, Advisory Council on Concerns of .....	144
Health Information Alliance .....	145
Health Information System Advisory Committee .....	146
Health Policy Commission, New Mexico .....	147
Human Rights Commission .....	148
Income Support Division Advisory Board .....	149
Interagency Coordinating Group (for Children, Youth and Families Department) .....	150
Long-Term Care, Interagency Committee on .....	151
Medicaid Advisory Committee .....	152
Medical Direction Committee .....	153
Medical Investigators, Board of .....	154
Miners' Hospital of New Mexico, Board of Trustees of the .....	155
National Service, State Commission for the Corporation for (AmeriCorps) .....	156
Medically Fragile Children's Advisory Board .....	157
Citizens' Advisory Board of the Juvenile Reintegration Centers and Juvenile Community Residential Facilities .....	158
Patient Qualification Review Board .....	159
Substitute Care Review, State Advisory Committee on .....	160
Trauma Advisory Committee .....	161
Veterans' Advisory Board, New Mexico .....	162
Veterans' Service Commission, New Mexico .....	163
Women, Commission on the Status of .....	164
 Military Affairs	
Armory Board, State .....	165
Armory Board Council .....	166
Awards Boards .....	167

## Professional and Occupational Boards and Commissions

Acupuncture and Oriental Medicine, Board of	168
Architects, Board of Examiners for	170
Athletic Trainer Practice Board	172
Barbers and Cosmetologists, Board of	173
Chiropractic Board	174
Counseling and Therapy Practice Board	175
Engineers and Surveyors, State Board of Licensure for Professional	176
Interior Design Board	178
Landscape Architects, Board of	179
Massage Therapy Board	180
Medical Examiners, NM Board of	181
Nutrition and Dietetics Practice Board	183
Nursing, Board of	184
Nursing Home Administrators, Board of	186
Occupational Therapy, Board of Examiners for	187
Optometry, Board of	188
Osteopathic Medical Examiners, Board of	189
Pharmacy, Board of	190
Physical Therapy Board	192
Podiatry, Board of	193
Private Investigators and Polygraphers Advisory Board	194
Psychologist Examiners, New Mexico State Board of	195
Public Accountancy Board, New Mexico	196
Real Estate Appraisers Board	197
Real Estate Commission, New Mexico	199
Respiratory Care Practitioners, Advisory Board of	200
Social Work Examiners, Board of	201
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board	203
Thanatopractice, Board of	204
Veterinary Medicine, Board of	205

## Public Safety and Criminal Justice

Alcohol Server Education Advisory Committee	206
Community Corrections Advisory Panels (Application Review Panel and State Selection Panel)	207
Community Corrections Advisory Panel (Juvenile Application Panel and State Selection Panel)	208
Corrections Population Control Commission	209
Corrections Commission	210
Crime Victims Reparation Commission	212
Criminal and Juvenile Justice Coordinating Council	213

Juvenile Justice Advisory Committee .....	215
Juvenile Parole Board .....	216
Mounted Patrol Board of Directors .....	217
Law Enforcement Academy Board, New Mexico .....	218
Governor's Organized Crime Prevention Commission .....	219
Public Safety Advisory Commission .....	221
Search and Rescue Review Board, State .....	222
Parole Board .....	223
 Sports	
Athletic Commission, New Mexico .....	224
Bicycle Racing Commission .....	225
Medical Advisory Board (New Mexico Athletic Commission) .....	226
Racing Commission, State .....	227
 Transportation	
Cumbres and Toltec Scenic Railroad Commission .....	228
Health Standards Advisory Board .....	229
Highway Commission, State .....	230
Highway and Transportation Selection Committee .....	231
Litter Control Council .....	232
Traffic Safety Bureau Advisory Committee .....	234

## *Table of Reference*

Acequia Commission .....	1
Acupuncture and Oriental Medicine, Board of .....	168
Adolescent Treatment Hospital Governing Board .....	124
Adult Protective Services Advisory Board .....	125
Aging, Advisory Committee to the State Agency on .....	126
Air Transport Advisory Committee .....	127
Alcohol Server Education Advisory Committee .....	206
Apprenticeship and Training Advisory Committee .....	12
Apprenticeship Committees .....	14
Apprenticeship Council .....	15
Architect, Engineer, Landscape Architect and Surveyor Selection Committee .....	101
Architects, Board of Examiners for .....	170
Armory Board, State .....	165
Armory Board Council .....	166
Arts Commission, New Mexico .....	39
Athletic Commission, New Mexico .....	224
Athletic Trainer Practice Board .....	172
Automated Voter Records System Advisory Committee .....	102
Awards Boards .....	167
Barbers and Cosmetologists, Board of .....	173
Beef Council, New Mexico .....	2
Bicycle Racing Commission .....	225
Blind, Commission for the .....	128
Border Authority .....	16
Border Commission, New Mexico .....	18
Brain Injury Advisory Council .....	130
Canvassing Board, State .....	103
Capitol Buildings Planning Commission .....	104
Child Development Board .....	131
Children, Youth and Families Advisory Committee .....	132
Children's Trust Fund Board of Trustees .....	133
Chile Commission, New Mexico	
Dry Onion Commission, New Mexico	
Peanut Research Board .....	3
Chiropractic Board .....	174
Citizens' Advisory Board of the Juvenile Reintegration Centers and Juvenile Community Residential Facilities .....	158
Coal Surface Mining Commission .....	71
Communities in Schools Advisory Board .....	60
Community Corrections Advisory Panel (Juvenile Application Panel and State Selection Panel) .....	208

Community Corrections Advisory Panels (Application Review Panel and State Selection Panel) .....	207
Community Development Council, New Mexico .....	19
Construction Industries Commission .....	21
Corrections Commission .....	210
Corrections Population Control Commission .....	209
Counseling and Therapy Practice Board .....	175
Crime Victims Reparation Commission .....	212
Criminal and Juvenile Justice Coordinating Council .....	213
Cultural Properties Review Committee .....	40
Cumbres and Toltec Scenic Railroad Commission .....	228
Deaf, Board of Regents of the New Mexico School for the .....	61
Deaf and Hard-of-Hearing Persons, Commission for .....	134
Developmental Disabilities Planning Council .....	135
DWI Grant Council .....	137
Economic Development Commission .....	23
Education, Commission on Higher .....	51
Education, State Board of .....	63
Education, State Commission on Post-Secondary .....	53
Education Trust Board .....	55
Educational Retirement Board .....	105
Emergency Management Task Force .....	72
Emergency Medical Services Advisory Committee, Statewide .....	138
Emergency Medical Services, Joint Organization on Education in .....	141
Emergency Medical Services Licensing Commission .....	140
Emergency Response Commission, State .....	73
Engineers and Surveyors, State Board of Licensure for Professional .....	176
Environmental Improvement Board .....	74
Fair Commission, State .....	4
Farm and Ranch Heritage Museum Division, Board of the NM .....	42
Finance, State Board of .....	106
Food Service Sanitation Advisory Council .....	141
Forest Stewardship Coordinating Committee .....	76
Game Commission, State .....	77
Gaming Control Board .....	108
Governor's Organized Crime Prevention Commission .....	219
Governor's Residence Advisory Commission .....	109
Group Benefits Committee .....	110
Handicapped, Advisory Council on Concerns of .....	144
Handicapped, Governor's Committee on Concerns of the .....	142
Hazardous Materials Safety Board .....	79
Health Information Alliance .....	145
Health Information System Advisory Committee .....	146

Health Policy Commission, New Mexico .....	147
Health Profession Advisory Committee .....	57
Health Standards Advisory Board .....	229
Healthier Schools Coordinating Committee, New Mexico .....	62
Highway and Transportation Selection Committee .....	231
Highway Commission, State .....	230
Historical Records Advisory Board, New Mexico .....	111
Hoisting Operators Licensure Examining Council .....	24
Human Rights Commission .....	148
Income Support Division Advisory Board .....	149
Indian Affairs, New Mexico Office of (Commission) .....	112
Indian Education Advisory Council .....	65
Industrial Training Board .....	25
Information Technology Commission .....	113
Interagency Coordinating Group (for Children, Youth and Families Department) .....	150
Interior Design Board .....	178
Interstate Stream Commission .....	81
Investment Council, State .....	115
Job Training Coordinating Council, State .....	26
Juvenile Justice Advisory Committee .....	215
Juvenile Parole Board .....	216
King, Jr., Martin Luther, Commission .....	44
Labor and Industrial Commission .....	27
Landscape Architects, Board of .....	179
Law Enforcement Academy Board, New Mexico .....	218
Libraries, New Mexico Advisory Council on .....	46
Library Commission, New Mexico State .....	45
Litter Control Council .....	232
Livestock Board, New Mexico .....	5
Long-Term Care, Interagency Committee on .....	151
Manufactured Housing Committee .....	28
Massage Therapy Board .....	180
Medicaid Advisory Committee .....	152
Medical Advisory Board (New Mexico Athletic Commission) .....	226
Medical Direction Committee .....	153
Medical Examiners, NM Board of .....	181
Medical Investigators, Board of .....	154
Medically Fragile Children's Advisory Board .....	157
Miners' Hospital of New Mexico, Board of Trustees of the .....	155
Mining Act Advisory Committee .....	82
Mining Commission .....	83
Mining Safety Advisory Board .....	84

Mounted Patrol Board of Directors .....	217
Museum Board of Regents .....	47
National Hispanic Cultural Center, Board of Directors of the New Mexico .....	43
National Service, State Commission for the Corporation for (Americorps) .....	156
Natural History and Science, Board of Trustees of the New Mexico Museum of .....	48
Natural Lands Protection Committee .....	85
Nursing, Board of .....	184
Nursing Home Administrators, Board of .....	186
Nutrition and Dietetics Practice Board .....	183
Occupational Health and Safety Review Commission .....	29
Occupational Health and Safety Special Committees .....	30
Occupational Therapy, Board of Examiners for .....	187
Office of Interstate Natural Gas Markets Technical Advisory Committee .....	80
Oil Conservation Commission .....	86
Old Lincoln County Memorial Commission .....	49
Optometry, Board of .....	188
Organic Commodity Commission .....	7
Osteopathic Medical Examiners, Board of .....	189
Park and Recreation Advisory Committee, State .....	88
Parole Board .....	223
Patient Qualification Review Board .....	159
Personnel Board .....	116
Pesticide Advisory Board .....	8
Pharmacy, Board of .....	190
Physical Therapy Board .....	192
Podiatry, Board of .....	193
Private Equity Investment Advisory Committee .....	117
Private Industry Council .....	31
Private Investigators and Polygraphers Advisory Board .....	194
Procurement Standards and Specifications Committee, State .....	118
Psychologist Examiners, New Mexico State Board of .....	195
Public Accountancy Board, New Mexico .....	196
Public Employees Retirement Board .....	122
Public Records, State Commission of .....	119
Public Regulation Commission .....	120
Public Safety Advisory Commission .....	221
Public School Capital Outlay Council .....	66
Public School Insurance Authority, Board of Directors of the .....	67
Racing Commission, State .....	227
Radiation Technical Advisory Council .....	89
Radioactive Waste Consultation Task Force .....	90
Rangeland Protection Advisory Committee .....	9
Real Estate Appraisers Board .....	197

Real Estate Commission, New Mexico .....	199
Regents, Boards of State Educational Institutions	
Eastern New Mexico University, New Mexico Highlands University, New Mexico	
Institute of Mining and Technology, New Mexico Military Institute, New Mexico State	
University, Northern New Mexico State School, University of New Mexico and Western	
New Mexico University .....	58
Regional Education Cooperative, Councils of .....	68
Respiratory Care Practitioners, Advisory Board of .....	200
Retiree Health Care Authority, Board of the .....	121
Risk Management Advisory Board .....	123
Search and Rescue Review Board, State .....	222
Sheep and Goat Council, New Mexico .....	10
Social Work Examiners, Board of .....	201
Soil and Water Conservation Commission .....	91
Space Commission .....	32
Space History Commission, New Mexico Museum of .....	50
Speech-Language Pathology, Audiology and Hearing Aid	
Dispensing Practices Board .....	203
State Land Trusts Advisory Board .....	93
Storage Tank Committee .....	94
Substitute Care Review, State Advisory Committee on .....	160
Technology in Education, Council on .....	69
Thanatopractice, Board of .....	204
Tourism Commission .....	33
Traffic Safety Bureau Advisory Committee .....	234
Trauma Advisory Committee .....	161
Tree Planting Advisory Committee .....	95
Unemployment Compensation Board of Review .....	34
Unemployment Compensation State Advisory Council	
and other industry and special councils .....	35
Veterans' Advisory Board, New Mexico .....	162
Veterans' Service Commission, New Mexico .....	163
Veterinary Medicine, Board of .....	205
Visually Handicapped, New Mexico School for the, Board of Regents of the .....	70
Water Quality Control Commission .....	96
Water Trust Board .....	98
Weather Control and Cloud Modification Commission .....	99
Women, Commission on the Status of .....	164
Workers' Compensation and Occupational Disease Disablement,	
Advisory Council on .....	36
Workforce Development Board, State .....	37
Youth Conservation Corps Commission, New Mexico .....	100

**Category: Agriculture**

## **Acequia Commission**

**Statutory Reference:** Section 73-2-65 NMSA 1978

**Organizational Status:** Administratively attached to local government division of DFA.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Line-item appropriation under DFA, local government division.

**Membership:** Eleven members appointed by governor. Members must reside in irrigated areas of the state containing acequias; must own land irrigated from acequia or community ditch. Members serve four-year terms; meet not less than quarterly or more than once a month.

**Powers and Duties:** Section 73-2-66 NMSA 1978: provide advice and assist the governor, legislature, state engineer, interstate stream commission and U.S. army corps of engineers in establishing acequia and community ditch rehabilitation priorities and other matters; serve as facilitator between subject associations and government agencies; and review plans and legislation affecting acequias and community ditches.

**Duplication, Similarity or Connection with Other Agencies:** The acequia and community ditch fund (Section 73-2A-3 NMSA 1978), which is for adjudication expenses, is administered by the department of agriculture; amounts determined by a committee consisting of director of the department of agriculture, interstate stream commission chairman and an acequia commission member. State engineer and interstate stream commission have similar duties.

**Can Existing Agency Perform Function?** It is possible the state engineer and others could establish priorities without formal input; at least some other functions could be performed by existing agencies, including department of agriculture, state engineer, interstate stream commission.

**Category:** Agriculture

## **Beef Council, New Mexico**

**Statutory Reference:** Section 77-2A-3 NMSA 1978 (New Mexico Beef Council Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** Yes, Beef Promotion and Research Act of 1985.

**Senate Confirmation?** No

**Funding:** Industry assessments

**Membership:** Nine members appointed for staggered three-year terms by director of the department of agriculture with approval of the governor. The director serves as ex-officio, nonvoting member. Members must be beef or dairy producers and must receive a substantial portion of their income from the branch they represent on the council. One member represents fluid milk producers, five represent beef producers, one represents breeders of purebreds and two represent commercial cattle feeders. Appointments are made from lists recommended by farm organizations, producer associations and individual producers. The council must meet at least once each six months.

**Other:** Council has its own bank account and does not voucher through DFA. It is exempt from the Procurement Code and the Personnel Act, but staff are considered state employees for purposes of the Tort Claims Act. The federal act establishes an assessment of \$1.00 per head. The cattlemen's beef promotion and research board established under the federal act designates state beef councils to collect assessments; the New Mexico beef council allocates a portion of the assessment to an in-state promotion and research program.

**Powers and Duties:** Section 77-2A-6 NMSA 1978: conduct marketing programs; submit detailed annual budget to department of agriculture; bond officers and employees; keep detailed and accurate financial records; establish procedures for adoption of rules; determine assessment rates; employ staff, not to exceed four; contract for scientific research; disseminate information; make grants to research agencies; cooperate with local, state and national organizations and agencies; study legislation; enter into contracts; sue and be sued; adopt rules to be filed with the department; and cooperate with other beef councils or agencies in the collection of assessments.

**Duplication, Similarity or Connection with Other Agencies:** Department of agriculture

**Can Existing Agency Perform Function?** Not without change in federal law

**Category:** Agriculture

**Chile Commission, New Mexico  
Dry Onion Commission, New Mexico  
Peanut Research Board**

**Statutory Reference:** Not directly statutory; created under auspices of Agricultural Commodity Commission Act (Section 76-21-1 NMSA 1978).

**Organizational Status:** Unspecified; the New Mexico department of agriculture approves annual budget, fills vacancies and exercises other powers.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Industry assessments

**Membership:** From five to 11 members as determined by the commodity producers and handlers; director of department of agriculture or his designee is ex-officio, nonvoting member.

**Other:** Commission has its own bank account and does not voucher through DFA. It is exempt from Procurement Code and Personnel Act, but staff are considered state employees for purposes of Tort Claims Act.

**Powers and Duties:** Collect assessments from industry and allocate funds for research and market development

**Duplication, Similarity or Connection with Other Agencies:** Department of agriculture, economic development department

**Can Existing Agency Perform Function?** The department of agriculture and the economic development department might provide more subject-specific assistance to this segment of the agriculture industry.

**Category:** Agriculture

## **Fair Commission, State**

**Statutory Reference:** Section 16-6-1 NMSA 1978

**Organizational Status:** Administratively attached to tourism department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate:** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; other state funds = state fair's income.

**Membership:** Seven members appointed by governor with advice and consent of senate; serve staggered five-year terms; removal only for cause. No less than two commissioners shall be engaged in the business of livestock raising and no less than two shall be engaged in agricultural vocations and pursuits other than livestock raising. Annual meeting on first Monday of January.

**Other:** Commission has power to borrow money and issue bonds. Commission is a non-general fund agency that does not voucher through DFA. In January of each year, the board must prepare and transmit to the governor a full financial statement, signed by each member of the commission, that shows all money received and disbursed, all assets and liabilities and a full and detailed account of its transactions; report shall include statistics and information of value to the various industries of the state.

Commission has power of eminent domain.

**Powers and Duties:** Section 16-6-4 NMSA 1978: operate annual fair.

Section 16-6-15 NMSA 1978: acquire, hold and dispose of real or personal property; build, construct, improve, repair and maintain buildings, structures, improvements, grounds and equipment for operating a state fair; acquire any project; and accept grants, borrow money and issue bonds.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category: Agriculture**

## **Livestock Board, New Mexico**

**Statutory Reference:** Section 77-2-2 NMSA 1978 (The Livestock Code)

**Organizational Status:** Attached for coordination purposes to the department of agriculture; board is required to execute a memorandum of understanding with the department identifying areas for cooperation and coordination, including administrative services.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate:** No; however, board performs federal duties for meat inspection.

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = property tax on livestock and fees; general fund matches federal funds for meat inspection.

**Membership:** Nine members who are state residents appointed by the governor and adequately representing the state livestock industry; seven must raise and own cattle or sheep, two members represent the general public. The majority at any given time shall be primarily engaged in the business of raising and owning cattle. No more than five members shall belong to the same political party. Members serve staggered six-year terms. The board holds June and December meetings and otherwise at the call of the chairman or majority of members.

**Other:** Board has subpoena power.

Board has its own bank account and does not voucher through DFA; its budget is approved by DFA.

**Powers and Duties:** Section 77-2-2 NMSA 1978: assume powers and duties of sheep sanitary board and cattle sanitary board.

Section 77-2-3 NMSA 1978: govern livestock industry of the state.

Section 77-2-7 NMSA 1978: exercise general regulatory supervision over the livestock industry to protect industry from theft and diseases; appoint executive director and other employees, including inspectors; appoint state veterinarian and subordinate veterinarians; adopt rules to control the importation of animals; establish quarantine, provide its boundaries and give notice; adopt rules for meat inspection; adopt rules governing the importation, manufacture, sale, distribution or use of serums, vaccines and other biologicals, virulent blood or living virus of diseases affecting animals; set fees and charges; consider the views of the livestock industry in

administration of The Livestock Code; adopt other rules; and hold hearings and subpoena witnesses.

Section 77-2A-7.1 NMSA 1978: levy, impose and collect the council assessment for the New Mexico beef council.

Other powers and duties under The Livestock Code: enter into contracts for research and promotion of meat and meat products; set rate for special property tax levy on livestock; deposit into and expend from the New Mexico livestock board general fund, with expenditure based on budget approved by DFA; and set and collect fees for board services.

Most of Chapter 77 NMSA 1978 specifies board powers and duties, including: provide for the control of contagious diseases in livestock; prevent, suppress, control and eradicate scabies and tuberculosis; register hog feeders; register brands and marks and maintain brand books; license livestock sales rings; provide for the impoundment of stray animals; license abattoirs, meat dealers and storage plants; and seize and dispose of cruelly treated livestock.

Section 25-3-4 NMSA 1978: rules and inspections necessary to enforcement of Imported Meat Act.

Section 25-3-13 NMSA 1978: administer provisions of Meat Inspection Act.

Chapter 30, Article 18 NMSA 1978: enforce cruelty and other livestock crimes.

**Duplication, Similarity or Connection with Other Agencies:** Department of agriculture

**Can Existing Agency Perform Function?** Given the board's mission, it may be less likely that the department of agriculture could provide more subject-specific assistance to this segment of the agriculture industry without a substantial increase in resources. Board performs federal functions such as animal and meat inspection.

**Category:** Agriculture

## **Organic Commodity Commission**

**Statutory Reference:** Section 76-22-6 NMSA 1978 (Organic Commodity Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No; however, it is the state's organic program in accordance with USDA's national program.

**Senate Confirmation?** Yes

**Funding:** General appropriation act

**Membership:** Five members appointed by governor with advice and consent of senate. Members are selected from list of certified organic producers and handlers. Terms are four years, staggered.

**Powers and Duties:** Section 76-22-7 NMSA 1978: adopt certification standards for production and handling of organically produced food articles; conduct studies to increase commercial value and discover new markets; disseminate information; sue and be sued; enter into contracts; appoint subordinate officers and employees; cooperate with local, state and national organizations and government agencies; adopt, rescind, modify or amend rules, orders and resolutions; adopt the federal materials list and prepare a registration program for purveyors; and as state organic program, regulate all aspects of the organic agriculture marketplace in New Mexico, take all actions necessary to ensure products are produced under valid certification and assume investigative and enforcement responsibilities.

Section 76-22-8 NMSA 1978: at least every two years, review its statutes, program and contents of materials list for conflicts with federal law or USDA actions.

Other powers and duties under the act: adopt standards, certify farm and handling operations that meet requirements of act; levy assessments; appoint stewards; establish labels; and enforce the act and hold hearings.

**Duplication, Similarity or Connection with Other Agencies:** Department of agriculture

**Can Existing Agency Perform Function?** The department of agriculture could certify organic producers and handlers.

**Category:** Agriculture

## **Pesticide Advisory Board**

**Statutory Reference:** Section 76-4-36 NMSA 1978 (Pesticide Control Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; statutory per diem and mileage expenses of nongovernmental members.

**Membership:** Dean of the college of agriculture at NMSU; director of the environmental improvement division of the department of environment; secretary of energy, minerals and natural resources; secretary of finance and administration; director of department of agriculture; and four members appointed by the director of the department, three of whom are licensed under the Pesticide Control Act. Board meets at least once a year.

**Powers And Duties:** Section 76-4-36 NMSA 1978: ensure continuation of basic policy of the state to protect and improve the environment by ensuring proper registration, distribution and use of pesticides and devices; review pesticide rules and pesticides and advise the board of regents of NMSU on specified issues.

**Duplication, Similarity or Connection with Other Agencies:** Department of agriculture

**Can Existing Agency Perform Function?** Function of the board is being performed by the department of agriculture as part of its administration of the Pesticide Control Act.

**Category:** Agriculture

**Rangeland Protection Advisory Committee**

**Statutory Reference:** Section 76-7B-5 NMSA 1978 (Rangeland Protection Act)

**Organizational Status:** Advisory to department of agriculture.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage allowances not specified; department provides necessary administrative staff and facilities.

**Membership:** Director of department of agriculture, who serves as chairman; chairman of range improvement task force of the college of agriculture at NMSU; commissioner of public lands; director of the department of game and fish; secretary of energy, minerals and natural resources; dean of the college of agriculture; and director of the environmental improvement division of department of environment. The chairman appoints one additional member from the ranching industry for a one-year term. The committee must meet at least once a year; otherwise, meetings are at the call of the chairman.

**Other:** The committee must coordinate its activities and involve the state director of the U.S. bureau of land management, the regional forester of the U.S. forest service, the bureau of Indian affairs and the state conservationist of the U.S. soil conservation service.

**Powers and Duties:** Section 76-7B-5 NMSA 1978: meet at call of chairman to develop general guidelines to be followed for all rangeland protection projects conducted by department of agriculture pursuant to the act; and convene at least annually to discuss rangeland protection projects conducted during preceding year and provide updated recommendations and guidance for future projects as required by changes in funding, laws or technology.

**Duplication, Similarity or Connection with Other Agencies:** Department of agriculture

**Can Existing Agency Perform Function?** Possibly department of agriculture

**Category:** Agriculture

**Sheep and Goat Council, New Mexico**

**Statutory Reference:** Section 77-8A-3 NMSA 1978 (New Mexico Sheep and Goat Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Industry assessments

**Membership:** Seven members elected by producers from nominations made to the director of the department of agriculture by producers or producer organizations. Members must be actively engaged in sheep or goat production or other branch of sheep or haired-goat business. Two members are elected from the region north of I-40, four are elected from the region south of I-40 and one member shall be a handler of sheep or haired goats or their products. Each member shall be elected for a three-year term. Vacancies are filled by appointment by the director from nominations made by producers and producer organizations. The director serves as an ex-officio, nonvoting member of the council.

**Other:** Council has its own bank account and does not voucher through DFA; exempt from Procurement Code and Personnel Act; covered by Tort Claims Act.

**Powers and Duties:** Section 77-8A-6 NMSA 1978: the council shall:

- (1) conduct marketing programs, including promotion, education and research, promoting sheep and haired-goat products;
- (2) submit to the director a detailed annual budget for the council on a fiscal-year basis and provide a copy of the budget upon request to any person who has paid an assessment or made a contribution under the New Mexico Sheep and Goat Act;
- (3) bond officers and employees of the council who receive and disburse council funds;
- (4) keep detailed and accurate records for all receipts and disbursements, have those records audited annually and keep the audit available for inspection in the council office;
- (5) establish procedures for the adoption of rules that will provide for input from producers;
- (6) determine and publish each year the assessment rates to be collected by the board; and
- (7) employ staff not to exceed three persons.

The council may:

- (1) contract for scientific research to discover and improve the commercial value of sheep and haired goats and products thereof;
- (2) disseminate information showing the value of sheep and haired goats and products for any purpose for which they may be found useful and profitable;
- (3) fund programs to enhance the efficiencies of sheep and haired-goat production;
- (4) make grants to research agencies for financing studies or for the purchase or acquisition of facilities necessary to carry out the purposes of the council as authorized by the New Mexico Sheep and Goat Act;
- (5) cooperate with any local, state or national organizations or agencies, whether created by law or voluntary, engaged in work or activities similar to that of the council, and enter into contracts with those organizations or agencies and expend funds in connection therewith for carrying on joint programs;
- (6) study federal and state legislation with respect to tariffs, duties, reciprocal trade agreements, import quotas and other matters concerning the effect on the sheep and haired-goat industry and represent and protect the interests of the industry with respect to any legislation or proposed legislation or executive action that may affect that industry;
- (7) enter into contracts that it deems appropriate to the carrying out of the purposes of the council as authorized by the New Mexico Sheep and Goat Act;
- (8) sue and be sued as a council without individual liability for acts of the council within the scope of the powers conferred upon it by the New Mexico Sheep and Goat Act;
- (9) appoint subordinate officers and employees of the council and prescribe their duties and fix their compensation;
- (10) adopt rules for the exercise of its powers and duties. A copy of all council rules shall be filed with the department; and
- (11) cooperate with other state councils or agencies in the collection of assessments.

**Duplication, Similarity or Connection with Other Agencies:** Department of agriculture; economic development department

**Can Existing Agency Perform Function?** Department of agriculture and economic development department might provide more subject-specific assistance to this segment of the agriculture industry.

**Category:** Commerce and Industry

**Apprenticeship and Training Advisory Committee**

**Statutory Reference:** Section 21-19A-7 NMSA 1978 (Apprenticeship Assistance Act)

**Organizational Status:** Advisory to vocational education division of the department of education.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Yes

**Senate Confirmation?** No

**Funding:** Indirect through department of education; per diem and mileage for members not otherwise compensated by public funds allowed for 12 meetings per year.

**Membership:** Ten members appointed by vocational education division: two represent employers of apprenticeable trades; two represent organized labor of apprenticeable trades; two full-time training directors or program administrators of apprenticeship committees; two employees of educational entities who teach or supervise preparatory instruction, supplementary instruction or related instruction courses; director of the apprenticeship council, who serves as chairman; and supervisor of trades and industry with vocational education division. Members serve four-year terms. Nonvoting members include one representative of the advisory council for vocational education; one representative of the New Mexico college and university system of vocational education; one representative of the bureau of apprenticeship and training of the U.S. department of labor; and one representative of the general public familiar with technical-vocational education and not otherwise eligible. The general public nonvoting member serves four years; other nonvoting members serve at the pleasure of representative organization. Committee meets annually and at call of chairman.

**Other:** The Apprenticeship Assistance Act also provides for apprenticeship committees for each apprenticeship training program, which appear to have policy-making authority. They are structured pursuant to CFR 29.29.

**Powers and Duties:** Section 21-19A-8 NMSA 1978: provide input into the development of statewide plan for a comprehensive program of apprenticeship training, including formulas and administrative procedures in requesting legislative appropriations for apprenticeship training; forms, formulas and administrative procedures for distribution of funds; and the content and method of public notice required by the act. Recommendations of the advisory committee to the division shall be acted on and either accepted or rejected.

**Duplication, Similarity or Connection with Other Agencies:** None noted; however, there are several apprenticeship organizations that assist the vocational education division, the labor department and the economic development department.

**Can Existing Agency Perform Function?** None noted

**Category: Commerce and Industry**  
**Apprenticeship Committees**

**Statutory Reference:** Section 21-19A-4 NMSA 1978 (Apprenticeship Assistance Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Unspecified, but presumably policy.

**Rulemaking Authority?** Unspecified

**Federal Mandate?** Committees structured pursuant to CFR 29.29.

**Senate Confirmation?** No

**Membership:** Unspecified

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Powers and Duties:** Section 21-19A-4 NMSA 1978: establish standards and goals for related instruction for apprentices in the program and supplementary instruction for journeymen; establish rules governing on-the-job training and other instruction for apprentices in the program; plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices; select qualified instructors for program; monitor and evaluate performance and progress of each apprentice in program and program as whole; interview applicants and select those who meet its criteria; provide for keeping and reporting student program and fiscal data as required by U.S. department of education; and perform other duties that promote goals of apprentices and program.

**Duplication, Similarity or Connection with Other Agencies:** None noted; however, there are several apprenticeship organizations that assist the vocational education division, the labor department and the economic development department.

**Can Existing Agency Perform Function?** None noted

**Category: Commerce and Industry**  
**Apprenticeship Council**

**Statutory Reference:** Section 50-7-3 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Can prescribe its own rules of procedures.

**Federal Mandate?** Yes

**Senate Confirmation?** No

**Funding:** Indirect through labor department; per diem and mileage for members not otherwise compensated by public funds allowed for 12 meetings per year.

**Membership:** Nine members appointed by the director of the labor and industrial division, three representing each category of employers, labor and the public; members serve staggered three-year terms. The director of the labor and industrial division and the supervisor of trade and industrial education serve as ex-officio, nonvoting members. Members not otherwise compensated by public money shall be reimbursed per diem and mileage.

**Powers and Duties:** Section 50-7-4 NMSA 1978: formulate standards to safeguard welfare of apprentices and other policies necessary to carry out intent and purpose of Chapter 50, Article 7 NMSA 1978. Council confirms appointment of the director of apprenticeship in labor department.

**Duplication, Similarity or Connection with Other Agencies:** None noted; however, there are several apprenticeship organizations that assist the vocational education division, the labor department and the economic development department.

**Can Existing Agency Perform Function?** None noted

**Category: Commerce and Industry**

## **Border Authority**

**Statutory Reference:** Section 58-27-4 NMSA 1978 (Border Development Act)

**Organizational Status:** Administratively attached to economic development department. New Mexico finance authority oversight committee is legislative oversight committee for border authority.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes, for public members.

**Funding:** General appropriation act.

**Membership:** Seven voting members: secretary of economic development, who serves as chairman; and six appointed by governor with senate confirmation and with no more than three from the same political party. The lieutenant governor is an ex-officio, nonvoting member. Appointed members serve staggered four-year terms. Chairman may appoint a nonvoting advisory committee to provide advice and recommendations.

Chairman and four voting members appointed by him constitute the border authority's executive committee; executive director of the authority is a nonvoting member of the executive committee. Executive committee has the powers and duties as delegated to it by the authority.

**Other:** The border authority has sweeping powers without direct accountability, e.g., it has power to issue bonds; charge and collect tolls and other fees; and own and operate port of entry facilities.

**Powers and Duties:** Section 58-27-10 NMSA 1978: advise governor and staff and the finance authority oversight committee on proposals and programs involving the border to stimulate the border economy and provide additional employment opportunities; initiate, develop, acquire, own, construct and maintain border development projects; create programs to expand economic opportunities to other areas of the state; create avenues of communication between New Mexico and Chihuahua; promote legislation; produce promotional literature; actively recruit industries and establish programs that will result in location and relocation of industries in the state; coordinate and expedite involvement of executive branch's border efforts; perform environmental, transportation, communication, land use and other technical studies; solicit and accept grants of money, property and other aid; adopt rules; act as applicant and operator of port-of-entry facilities, including acquisition of real property; and give or transfer real and personal property to the U.S. government.

Section 58-27-11 NMSA 1978: acquire projects; sell, lease or otherwise dispose of its projects; issue revenue bonds; and refinance projects.

Section 58-27-12 NMSA 1978: hire an executive director and contract for services.

Section 58-27-14 NMSA 1978: fix, alter, charge and collect tolls, fees or rentals and other charges for services.

Section 58-27-15 NMSA 1978: power to issue revenue bonds.

Section 58-27-16.1 NMSA 1978: power to borrow money for up to 30 years; loan is subject to state board of finance approval.

**Duplication, Similarity or Connection with Other Agencies:** There are several entities in the executive branch and the universities that deal with border issues.

**Can Existing Agency Perform Function?** Yes, except perhaps the power to issue bonds.

**Category: Commerce and Industry**  
**Border Commission, New Mexico**

**Statutory Reference:** Section 12-13-4 NMSA 1978 (New Mexico Border Act)

**Organizational Status:** Unspecified; staff provided by the NMSU joint border research institute, the NMSU center for business research and service and the economic development department.

**Policy or Advisory?** Policy advisory to governor

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** None

**Membership:** Seven members appointed by governor, at least one each from Doña Ana, Hidalgo and Luna counties, for staggered terms of four years; and the director of the border commission appointed by the governor, who serves at the pleasure of the governor.

**Other:** Commission appears to be defunct.

**Powers And Duties:** Section 12-13-5 NMSA 1978: create avenues of communication between New Mexico, Chihuahua and Mexico concerning cultural, artistic, economic and industrial affairs; confer with state and Mexican leaders; promote legislation to further goals of commission; and communicate with other international commissions.

**Duplication, Similarity or Connection with Other Agencies:** Border authority, NMSU and economic development department

**Can Existing Agency Perform Function?** Yes; commission is not performing its functions at present.

**Category:** Commerce and Industry

**Community Development Council, New Mexico**

**Statutory Reference:** Section 11-6-4 NMSA 1978 (New Mexico Community Assistance Act)

**Organizational Status:** Unspecified; local government division of DFA serves as council staff.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** Council sets rules and awards grants from the federal community development block grant program funds.

**Senate Confirmation?** No

**Funding:** Indirect through local government division; per diem and mileage for public members not statutory.

**Membership:** Eleven members as follows: secretary of finance and administration; governor; secretary of health and environment [sic]; lieutenant governor; and seven members appointed by governor from districts specified in act for three-year terms. Members may be removed by the governor for good cause; the governor selects the chairman.

**Powers and Duties:** Section 11-6-4.1 NMSA 1978: adopt rules to provide for procedures and forms for making grants under act, with documentation provided by proposed grantees; and establish: (1) procedures for review, evaluation and approval of grants; (2) procedures for reporting by the grantee of programmatic, organization and financial information necessary for review, evaluation and approval of funding; (3) evaluation of ability and competence of grantee; (4) common application form and funding cycle for state and federal grant or loan programs; (5) procedures for coordination and handling of applications for all state and federal grant or loan programs administered by division; (6) procedures to control number of applications from each political subdivision; and (7) such other requirements deemed necessary by the council to ensure the state receives the services for which the legislature appropriated money.

Section 11-6-5 NMSA 1978: carry out purposes and provisions of the New Mexico Community Assistance Act, including to develop and oversee administration of community assistance programs; adopt, amend and repeal council rules; apply for federal aid designed to assist local community infrastructure development; oversee administration of federal and other funds for community assistance programs; coordinate and mobilize assistance and funding resources in regard to the construction, extension or repair of projects; coordinate with, assist and seek input from political subdivisions, community organizations and civic groups; enter into contracts and agreements necessary to carry out its powers and duties; and disburse and oversee the administration of any other funds appropriated to the council or as directed by the legislature.

Section 11-6-6 NMSA 1978: accept applications for grants and approve assistance funds.

Section 11-6-9 NMSA 1978: request assistance of any state agency, including assignment of personnel.

Section 9-14-4 NMSA 1978: determine recipients and amounts of community development block grants.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** Unknown

**Category: Commerce and Industry**  
**Construction Industries Commission**

**Statutory Reference:** Section 60-13-6 NMSA 1978 (Construction Industries Licensing Act)

**Organizational Status:** Commission created within construction industries division of regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Commission approves proposed rules of division.

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through construction industries division; statutory per diem and mileage for members.

**Membership:** Nine voting members appointed by governor with advice and consent of senate as follows: one representative of residential construction industry; one licensed electrical contractor; one licensed mechanical contractor; one practicing architect; one practicing general contractor; one representative of LPG industry; one public member; one representative of the subcontracting industry; and one representative of organized labor. Members are appointed to provide adequate geographic representation. Terms are not specified; members serve at pleasure of governor. Director of the division serves as executive secretary. Commission meets bimonthly or at call of chairman.

**Other:** Section 9-16-12 NMSA 1978 provides exemption from authority of superintendent of regulation and licensing. Commission has subpoena power. Commission may assess administrative penalties.

**Powers and Duties:** Section 60-13-6 NMSA 1978: establish policy for division; advise on, review, coordinate and approve or disapprove all rules, standards, codes and licensing requirements subject to approval of commission; revoke or suspend licenses and certificates of qualification issued under Construction Industries Licensing Act or LPG and CNG Act; and define and establish all license classifications.

Section 60-13-11 NMSA 1978: sue and be sued, issue subpoenas and compel attendance and production; administer oaths; adopt a seal; compel minimum code compliance in all certified code jurisdictions and political subdivisions; and investigate code violations.

Section 60-13-15 NMSA 1978: review all licenses issued by construction industries division.

Section 60-13-23 NMSA 1978: revoke or suspend licenses.

Section 60-13-23.1 NMSA 1978: assess administrative penalties.

Section 70-5-5 NMSA 1978: adopt rules to carry out provisions of the LPG and CNG Act.

Section 70-5-13 NMSA 1978: hold hearing pursuant to the LPG and CNG Act.

**Duplication, Similarity or Connection with Other Agencies:** Construction industries division

**Can Existing Agency Perform Function?** Yes, division could perform functions with, perhaps, an advisory committee.

**Category: Commerce and Industry**  
**Economic Development Commission**

**Statutory Reference:** Section 9-15-11 NMSA 1978 (Economic Development Department Act)

**Organizational Status:** Administratively attached to economic development department.

**Policy or Advisory?** Policy advisory

**Rulemaking Authority?** Yes, for its own operations

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through economic development department; statutory per diem and mileage for members.

**Membership:** Nine members appointed by governor and confirmed by senate. No more than five from the same political party and at least one Native American. Seven members are appointed from planning districts, one Native American is appointed to represent the interests of Indian tribes and pueblos and one member represents the public at large. Terms are five years, staggered; governor designates chairman; commission meets at call of chairman not less than once each quarter. Removal is only for incompetence, neglect of duty or malfeasance; senate has exclusive original jurisdiction over removal proceedings.

**Powers and Duties:** Section 9-15-11 NMSA 1978: provide advice to department on policy matters; and annually approve and update state's five-year economic development plan.

Section 9-15-12 NMSA 1978: develop and recommend policies and provide policy and program guidance; review, modify and approve annual updates to five-year economic development plan generated by department; advise, assist and promote department on matters relating to technology, technology-based new business development and technology commercialization projects; review federal technology-based programs requiring state matching funds and authorize expenditures or pledges of state match funds for such programs; and establish rules for its own operation.

**Duplication, Similarity or Connection with Other Agencies:** Economic development department; tourism commission

**Can Existing Agency Perform Function?** Economic development department

**Category:** Commerce and Industry

**Hoisting Operators Licensure Examining Council**

**Statutory Reference:** Section 60-15-14 NMSA 1978 (Hoisting Operators Safety Act)

**Organizational Status:** Unspecified; licensing council appointed by superintendent of regulation and licensing.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Variable. No fewer than three members appointed by the superintendent: one class I hoisting operator, one contractor (as defined by Section 60-13-3 NMSA 1978) who employs one or more hoisting operators and other members.

**Powers and Duties:** Section 60-15-14 NMSA 1978: review and approve applications, qualifications and examinations of applicants for licensure as hoisting operators and recommending to the superintendent whether licensure should be granted based on evaluation of the operating experience and competence of the applicants; report findings and recommendations from the hearings to the superintendent; and proceed according to rules adopted by the department.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** It might be difficult, though not impossible, for department to evaluate applicants without advisory council.

**Category: Commerce and Industry**  
**Industrial Training Board**

**Statutory Reference:** Section 21-19-7 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage for public members not statutory.

**Membership:** Director of economic development division of economic development department; director of vocational education division of department of education; director of job training division of labor department; director of commission on higher education; one member from organized labor appointed by governor; and one public member from business community appointed by governor.

**Powers and Duties:** Section 21-19-7 NMSA 1978: establish policies and promulgate rules for administration of appropriated funds; and provide review and oversight to ensure funds expended from development training fund will generate business activity and give measurable growth to state's economic base.

**Duplication, Similarity or Connection with Other Agencies:** Yes, any agency represented as member of board, particularly economic development or labor department.

**Can Existing Agency Perform Function?** Yes, see above

**Category:** Commerce and Industry

**Job Training Coordinating Council, State**

**Statutory Reference:** Not statutory; created pursuant to federal Job Training Partnership Act.

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory to governor and substate service delivery areas

**Rulemaking Authority?** No

**Federal Mandate?** Yes

**Senate Confirmation?** No

**Funding:** Federal funds

**Membership:** Unspecified number appointed by governor, with one person who is a nongovernmental member designated as chairman.

**Powers And Duties:** Meet at such times and in such places as it deems necessary, recommend to the governor and substate service delivery areas, plan resource allocations, provide management guidance and review for all programs in the state, develop appropriate linkages with other programs, coordinate activities with private industry councils, develop the governor's coordination and special services plan and recommend variations in performance standards.

**Duplication, Similarity or Connection with Other Agencies:** Labor department reports no duplication.

**Can Existing Agency Perform Function?** Unknown; would take change in federal law.

**Category: Commerce and Industry**  
**Labor and Industrial Commission**

**Statutory Reference:** Section 50-1-1 NMSA 1978

**Organizational Status:** Advisory to secretary of labor.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through labor department; statutory per diem and mileage for members.

**Membership:** Three members as follows: two members appointed by governor with consent of senate who serve at pleasure of the governor for four-year terms; and one member appointed by the other two members of the commission who serves at the pleasure of the two members for a four-year term. One of the governor's members represents employers and one represents employees; the third member is someone who does not represent either employers or employees. No more than two members shall be from the same political party. The governor designates the chairman.

**Powers and Duties:** Section 50-1-1.4 NMSA 1978: receive reports from secretary and act in advisory capacity to secretary in enforcement of labor legislation.

**Duplication, Similarity or Connection with Other Agencies:** None noted; however, there are several labor and training organizations.

**Can Existing Agency Perform Function?** Unknown

**Category: Commerce and Industry**

**Manufactured Housing Committee**

**Statutory Reference:** Section 60-14-5 NMSA 1978 (Manufactured Housing Act)

**Organizational Status:** Committee created within manufactured housing division of the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Unclear. Committee approves division's proposed rules; however, Section 60-14-5 NMSA 1978 does state that "committee shall. . .establish by regulation. . .".

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through regulation and licensing department; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor as follows: one representative of manufacturers; one dealer; one installer; one broker; and three manufactured house owners not subject to licensure under the act. Members serve at pleasure of the governor within staggered four-year terms. Appointments must provide geographic representation. Director of the division serves as executive secretary. Committee meets at least bimonthly.

**Other:** Section 9-16-13 NMSA 1978 exempts the committee from authority of superintendent of regulation and licensing.

**Powers and Duties:** Section 60-14-5 NMSA 1978: provide technical and policy advice to the division; review and approve or disapprove rules, standards and codes; establish by rule classifications of licenses issued by division and qualifications and examinations necessary for licensure under the act; and suspend or revoke for cause any license or certificate of qualification issued by division.

**Duplication, Similarity or Connection with Other Agencies:** Manufactured housing division

**Can Existing Agency Perform Function?** Yes, division could perform functions with, perhaps, an advisory committee.

**Category:** Commerce and Industry

**Occupational Health and Safety Review Commission**

**Statutory Reference:** Section 50-9-9 NMSA 1978 (Occupational Health and Safety Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Unspecified; presumably policy.

**Rulemaking Authority?** Yes

**Federal Mandate?** Department of environment is the federal OSHA agency.

**Senate Confirmation?** Yes

**Funding:** Indirect through department of environment; statutory per diem and mileage.

**Membership:** Three members appointed by the governor with advice and consent of senate; members reflect labor, industry and general public. Governor designates chairman. Terms are six years; removal is for inefficiency, neglect of duty or malfeasance in office.

**Other:** Section 9-7A-14 NMSA 1978 provides exemption from authority of secretary of environment.

Commission has subpoena power.

**Powers and Duties:** Section 50-9-9 NMSA 1978: may order testimony to be taken by deposition; compel attendance and production; and designate hearing officers.

Section 50-9-17 NMSA 1978: review department citations on appeal; and issue final orders.

**Duplication, Similarity or Connection with Other Agencies:** Occupational health and safety special committees

**Can Existing Agency Perform Function?** None noted

**Category: Commerce and Industry**

**Occupational Health and Safety Special Committees**

**Statutory Reference:** Section 50-9-6 NMSA 1978 (Occupational Health and Safety Act)

**Organizational Status:** May be appointed by environmental improvement board or secretary of environment.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Department of environment is the federal OSHA agency.

**Senate Confirmation?** No

**Funding:** Indirect through department of environment; statutory per diem and mileage.

**Membership:** Technicians or professionals specializing in occupational health or safety.

**Powers and Duties:** Section 50-9-6 NMSA 1978: assist in carrying out objectives of the act.

**Duplication, Similarity or Connection with Other Agencies:** Environmental improvement board, department of environment, occupational health and safety review commission

**Can Existing Agency Perform Function?** Probably by department or commission

**Category:** Commerce and Industry

**Private Industry Council**

**Statutory Reference:** Not statutory; created pursuant to federal Job Training Partnership Act.

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Yes

**Senate Confirmation?** No

**Funding:** Federal funds

**Membership:** Sixteen representatives from the private sector, organized labor and community-based organizations and educational agencies. There is a private industry council for each service delivery area.

**Powers and Duties:** Provide policy guidance for and exercise oversight with respect to activities under the job training plan for its service delivery area in partnership with the units of general local government within its service delivery area.

**Duplication, Similarity or Connection with Other Agencies:** Labor department reports no duplication.

**Can Existing Agency Perform Function?** Unknown; would take change in federal law.

**Category: Commerce and Industry**  
**Space Commission**

**Statutory Reference:** Section 9-15-45 NMSA 1978

**Organizational Status:** Administratively attached to economic development department.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through economic development department; statutory per diem and mileage.

**Membership:** Eleven voting members as follows: secretary of economic development, governor's science advisor and lieutenant governor; eight members appointed by governor, three of whom are knowledgeable of government and commercial space activities, one of whom is a resident of Sierra county, one of whom is a representative of a federal space development project in the state and one of whom is representative of one of the state's national laboratories. Appointed members serve staggered three-year terms; governor appoints chairman; commission meets at call of chairman not less than four times a year.

**Powers and Duties:** Section 9-15-46 NMSA 1978: in cooperation with space commercialization division, promote spaceport development and other space-related activities in state; advise secretary on accepting funds for developing, constructing, maintaining and operating regional spaceport; act in advisory capacity regarding development, construction, operation and maintenance of regional spaceport; advise secretary on methods for providing for the development, construction and acceptance of a regional spaceport; and report annually to the governor and legislature.

Section 9-15-47 NMSA 1978: assist secretary in defining fees, rents, tolls and charges for use of regional spaceport facility and related services; participate in acquisition of real and personal property to establish spaceport or space-related facility; as directed, initiate environmental, transportation, communication or technical studies necessary to establish spaceport; and assist director in negotiating agreements for overflight or recovery of space vehicles, etc.

**Duplication, Similarity or Connection with Other Agencies:** Economic development department and space commercialization division

**Can Existing Agency Perform Function?** Yes, department and division

**Category: Commerce and Industry**  
**Tourism Commission**

**Statutory Reference:** Section 9-15A-8 NMSA 1978 (Tourism Department Act)

**Organizational Status:** Administratively attached to tourism department.

**Policy or Advisory?** Policy advisory

**Rulemaking Authority?** Yes, for its own operation

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through tourism department; statutory per diem and mileage.

**Membership:** Seven members appointed by governor and confirmed by senate. No more than four from the same political party; at least one Native American; two members appointed from each congressional district; and seventh member appointed at-large. Terms are seven years; governor appoints chairman; commission meets at call of chairman not less than once each quarter. Removal only for incompetence, neglect of duty or malfeasance in office; senate has exclusive original jurisdiction over removal proceedings.

**Powers and Duties:** Section 9-15A-8 NMSA 1978: provide advice to department on policy matters and annually approve and update state's five-year tourism plan.

Section 9-15A-9 NMSA 1978: develop and recommend policies and provide policy and program guidance; review, modify and approve annual updates to five-year plan generated by department; and establish rules for its own operation.

**Duplication, Similarity or Connection with Other Agencies:** Tourism department; economic development commission

**Can Existing Agency Perform Function?** Department could update the five-year plan on its own or with less formal assistance.

**Category:** Commerce and Industry

**Unemployment Compensation Board of Review**

**Statutory Reference:** Section 51-1-8 NMSA 1978 (Unemployment Compensation Law)

**Organizational Status:** Created within labor department.

**Policy or Advisory?** Appeals review

**Rulemaking Authority?** No

**Federal Mandate?** Yes

**Senate Confirmation?** No, for governor's appointees.

**Funding:** Federal funds

**Membership:** Three members as follows: an employee of the department appointed by the secretary and who serves as chairman; and one person representing employers and one person representing employees who are appointed by the governor with the advice and consent of the senate to serve at the governor's pleasure for four-year terms.

**Other:** Statute appears to provide per diem and mileage plus \$15.00 per case for the two appointees; maximum \$12,000 per fiscal year.

**Powers and Duties:** Section 51-1-8 NMSA 1978: hear and review unemployment compensation appeals cases referred to it by the secretary; modify, affirm or reverse the decision of the hearing officer or remand to the claims examiner, tax representative or hearing officer for further proceedings. Board decisions are final administrative decisions of the department.

**Duplication, Similarity or Connection with Other Agencies:** None noted, given its appeals duties.

**Can Existing Agency Perform Function?** None noted

**Category:** Commerce and Industry

**Unemployment Compensation State Advisory Council  
and other industry and special councils**

**Statutory Reference:** Section 51-1-25 NMSA 1978 (Unemployment Compensation Law)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory to labor department.

**Rulemaking Authority?** No

**Federal Mandate?** Yes

**Senate Confirmation?** No

**Funding:** Federal funds

**Membership:** Composed of men and women, including equal number of employer and employee representatives and members representing the general public, appointed by secretary of labor.

**Other:** The department reports a job service employer council extant pursuant to Section 51-1-25 NMSA 1978. That council has 321 volunteer members and one member appointed by the governor. Statute provides that members are compensated for wage loss sustained for attendance at formal meetings of council or duly constituted committees and for travel expenses. The department reports that federal money is spent for the chairman to go to Washington, D.C.

**Powers and Duties:** Section 51-1-25 NMSA 1978: aid the department in formulating policies and discussing problems relating to the administration of the Unemployment Compensation Law and in ensuring impartiality and freedom from political influence in the solution of such problems.

Section 51-1-26 NMSA 1978: advise secretary on employment stabilization.

**Duplication, Similarity or Connection with Other Agencies:** Labor department

**Can Existing Agency Perform Function?** Not without federal changes

**Category: Commerce and Industry**  
**Workers' Compensation and Occupational Disease Disablement,**  
**Advisory Council on**

**Statutory Reference:** Section 52-1-1.2 NMSA 1978 (Workers' Compensation Act)

**Organizational Status:** Unspecified; created in the administration.

**Policy or Advisory?** Advisory, but appoints a committee to designate health care providers.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through workers' compensation administration; statutory per diem and mileage.

**Membership:** Six voting members, three representing employers and three representing workers, appointed by governor for four-year terms; none can be attorneys. The director of the workers' compensation administration is an ex-officio, nonvoting member. Members must meet at least twice each year.

**Powers and Duties:** Section 52-1-1.2 NMSA 1978: annually review workers' compensation and occupational disease disablement and issue report of its findings and conclusions; make recommendations relating to adoption of rules and legislation, method and form of statistical data collections and monitor performance of system; and appoint a committee for two-year terms composed of three members representing workers and three members representing employers, none of whom can be an attorney, to designate approved list of health care providers to conduct independent medical examinations.

**Duplication, Similarity or Connection with Other Agencies:** Workers' compensation administration

**Can Existing Agency Perform Function?** Workers' compensation administration

**Category: Commerce and Industry**  
**Workforce Development Board, State**

**Statutory Reference:** Section 50-14-3 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** Yes

**Senate Confirmation?** No

**Funding:** Indirect federal and state funds; statutory per diem and mileage.

**Membership:** The board consists of members as provided in the federal Workforce Investment Act of 1998 as follows: the governor; two members of the house of representatives, appointed by the speaker of the house of representatives; two members of the senate, appointed by the president pro tempore; secretary of economic development; secretary of human services; secretary of labor; superintendent of public instruction; representatives of business appointed by the governor to ensure that a majority of the members of the board are representatives of business; two representatives of organized labor nominated by organized labor and appointed by the governor; two chief elected officials appointed by the governor; two representatives of organizations that have special knowledge and experience of youth training activities, appointed by the governor; two representatives of organizations that have experience and expertise in the delivery of workforce investment activities, including one chief executive officer of a community college, appointed by the governor; and one representative of a community-based organization that conducts training activities, appointed by the governor. Terms are four years; governor appoints a business representative as chairman.

**Powers and Duties:** Section 50-14-4 NMSA 1978: assist the governor to:

- (1) develop a five-year state plan that shall be updated annually and revised in accordance with the requirements of the federal Workforce Investment Act of 1998;
- (2) develop and improve the statewide activities funded pursuant to the workforce investment system and the one-stop delivery system, including linkages to ensure coordination and non-duplication among the programs and activities described in the federal Workforce Investment Act of 1998;
- (3) review local plans;
- (4) comment annually on the measures taken pursuant to Section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act;
- (5) develop allocation formulas for adult and youth employment and training activity funds to local areas in accordance with the federal Workforce Investment Act of 1998;

- (6) develop comprehensive state performance measures to assess the effectiveness of workforce investment activities pursuant to the federal Workforce Investment Act of 1998;
- (7) designate local workforce development areas;
- (8) develop the statewide employment statistics system; and
- (9) prepare reports and applications required for submission to the federal government.

The board shall also:

- (1) review, evaluate and report annually on the performance of all workforce development activities administered by state agencies involved with workforce development;
- (2) develop linkages with the state board of education to ensure coordination and non-duplication of vocational education, apprenticeship, adult education and vocational rehabilitation programs with other workforce development and training programs; and
- (3) provide policy advice regarding the application of federal or state law that pertains to workforce development.

All state agencies involved in workforce development activities shall annually submit to the board for its review and potential inclusion in the five-year plan their goals, objectives and policies. The plan shall include recommendations to the legislature on the modification, consolidation, initiation or elimination of workforce training and education programs in the state.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** Would require change in federal law

**Category:** Cultural Affairs

**Arts Commission, New Mexico**

**Statutory Reference:** Section 18-5-3 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory to arts division of the office of cultural affairs.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through office of cultural affairs; statutory per diem and mileage.

**Membership:** Fifteen members broadly representative of all fields of creative and interpretative arts, appointed by governor. Terms are for three years, staggered. Governor appoints chairman; commission elects vice chairman and secretary.

**Powers and Duties:** Section 18-5-5 NMSA 1978: advise the director of the arts division, the state cultural affairs officer and state government in general *where not in conflict with other statutory agencies*. Specifically charged with providing general art counsel to governor. Advise director on all division policies, and the director must consult with the commission prior to his approving, disapproving or modifying the distribution of federal and state program funds; director must keep commission informed of fiscal affairs of division.

Section 18-5-6 NMSA 1978: provide the list of candidates from which the state cultural affairs officer appoints the arts division director.

**Duplication, Similarity or Connection with Other Agencies:** Arts division

**Can Existing Agency Perform Function?** Yes, arts division

**Category: Cultural Affairs**

**Cultural Properties Review Committee**

**Statutory Reference:** Section 18-6-4 NMSA 1978 (Cultural Properties Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through office of cultural affairs; statutory per diem and mileage.

**Membership:** Seven members as follows: the state historian; one architectural historian; one historian; one architect; one prehistoric archaeologist; one historic archaeologist; and one person in any of the foregoing professions. Except for state historian, members are appointed by the governor. An appointed member must be accomplished in his field in the American southwest and have specialized knowledge of New Mexico. Appointed member terms are four years. Meetings shall be at least once a quarter. Chairman, vice chairman and secretary are elected by committee.

**Powers and Duties:** Section 18-6-5 NMSA 1978: primary function is to review proposals for the preservation of cultural properties. Powers and duties include: determining what constitutes historical, archaeological, scientific, architectural and other cultural significance for the purpose of identifying cultural properties that have historical or other cultural significance; preparing and maintaining proper documentation of the historic or other significance of cultural properties; inspection of all registered cultural properties periodically to ensure integrity and proper maintenance; recommendations regarding repairs, maintenance and other measures that should be taken to maintain registered status; issuance of rules pertaining to identification, preservation and maintenance of registered cultural properties; deleting from the official register any property whose owner does not comply with rules or follow committee recommendations for repair and maintenance, or for lack of merit for continued registry; making recommendations to museum division and other public cultural property administrators; providing technical advice to private owners, municipalities and counties; cooperating with federal, state, local and private agencies and persons engaged in the administration, development or other work relating to cultural properties; promoting public appreciation of New Mexico's historical and cultural heritage; issuing, with concurrence of state archaeologist and state historic preservation officer, permits for examination or excavation of sites and the collection or removal of objects of antiquity or general scientific interest; providing advice to state historic preservation officer and the museum director; and making an annual report.

In addition to its primary functions under the Cultural Properties Act, the committee has responsibilities under the Cultural Properties Protection Act, the Historic Preservation Loan Act and the New Mexico Prehistoric and Historic Sites Preservation Act.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category:** Cultural Affairs

**Farm and Ranch Heritage Museum Division, Board of the NM**

**Statutory Reference:** Section 18-11-5 NMSA 1978 (Farm and Ranch Heritage Museum Act)

**Organizational Status:** Unclear; division is part of office of cultural affairs.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through office of cultural affairs; statutory per diem and mileage.

**Membership:** One nonvoting and 11 voting members. Eight members appointed by the governor with advice and consent of senate; five of whom shall be farmers or ranchers and three of whom shall be from the general public. Statute provides for the submission of appointment lists; provides that no more than four of governor's appointments may be from same political party; and provides that distribution of geography, individual interests and backgrounds must be considered. Terms are four years, staggered. The following members or their designees have permanent seats: director of the department of agriculture, dean of college of agriculture and home economics at NMSU and the state cultural affairs officer. The division director is the nonvoting member. Removal is limited to misconduct, incompetence, neglect of duty or malfeasance in office; removal must be made with prior approval of senate.

**Powers and Duties:** Section 18-11-7 NMSA 1978: establish museum policy, determine mission and direct development of museum, subject to the approval of the state cultural affairs officer; adopt rules to carry out its powers and duties; exercise trusteeship over museum collections; accept and hold title to all museum property; approve contracts or agreements to carry out purposes of act; authorize director to solicit and receive funds or property; and review performance of director and report its findings to state cultural affairs officer.

Division director is appointed by cultural affairs officer from list of candidates provided by the board.

Sections 18-11-7 and 18-11-9 NMSA 1978 are contradictory regarding ownership of property and other powers and duties.

**Duplication, Similarity or Connection with Other Agencies:** New Mexico farm and ranch heritage museum division, office of cultural affairs

**Can Existing Agency Perform Function?** Yes, division and office

**Category: Cultural Affairs**

**National Hispanic Cultural Center, Board of Directors of the New Mexico**

**Statutory Reference:** Section 18-12-4 NMSA 1978 (National Hispanic Cultural Center of New Mexico Act)

**Organizational Status:** Unclear; division is part of office of cultural affairs.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through office of cultural affairs; statutory per diem and mileage.

**Membership:** Fifteen members appointed for staggered four-year terms by the governor with the advice and consent of the senate. Governor must consider ethnic, economic and geographic diversity of the state to select individuals who have demonstrated awareness and support for traditional and contemporary Hispanic culture, arts and history and individuals who are knowledgeable in areas of Hispanic performing, visual and oral arts, genealogy, family issues, education and business and administration. Two appointees are employees of state institutions of higher education or appropriate state agencies. Governor designates board president, who serves at his pleasure. Division director serves as ex-officio, nonvoting member. Members may be removed for failure to attend meetings, neglect of duty, incompetence, unprofessional conduct or for violating the act.

**Powers and Duties:** Section 18-12-5 NMSA 1978: exercise trusteeship over collections; accept and hold title to center property; review director's performance and report; enter into agreements to obtain real or personal property for the center; adopt rules to carry out provisions of the act; establish policy, determine mission and direct development of center; and provide list of nominees for division director.

**Duplication, Similarity or Connection with Other Agencies:** Hispanic cultural division and office of cultural affairs

**Can Existing Agency Perform Function?** Yes, division and office

**Category:** Cultural Affairs

**King, Jr., Martin Luther, Commission**

**Statutory Reference:** Section 28-19-1 NMSA 1978

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; statute states "members shall receive no compensation for their services".

**Membership:** Thirteen members as follows: four members appointed by governor; one member appointed by president pro tempore of senate; one member appointed by minority leader of senate; one member appointed by speaker of house; one member appointed by minority leader of house; state treasurer; secretary of state; Native American appointed by office of Indian affairs; director of human rights division of labor department; and chairman of public regulation commission. Members serve staggered four-year terms. Chairman is selected by members. Commission appoints executive director.

**Powers and Duties:** Section 28-19-3 NMSA 1978: develop plan for commemoration and celebration of holiday honoring King; develop recommendations for specific commemorative activities to be undertaken; coordinate state plans and activities with federal plans and activities; develop, with other agencies, an interpretive program that explores historical, social, political and cultural themes associated with the life and work of King; develop and acquire interpretive materials and publications of the significance of King's work and develop commemorative program for state employees, school children and general public; create process to facilitate implementation of the master plan project and other recommendations made by commission; prepare and provide to general public advice, assistance and information on holiday activities; submit other studies, reports and recommendations to governor and legislature; and accept endowments and bequests.

**Duplication, Similarity or Connection with Other Agencies:** Office on African American affairs, human rights commission, office of cultural affairs

**Can Existing Agency Perform Function?** Yes, listed agencies or governor's office

**Category:** Cultural Affairs

**Library Commission, New Mexico State**

**Statutory Reference:** Section 18-2-1 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through office of cultural affairs; statutory per diem and mileage.

**Membership:** Five members, four of whom are appointed by governor and one of whom is appointed from membership of the state board of education; at least one member shall be a professionally trained librarian. Terms are six years, staggered.

**Powers and Duties:** Section 18-2-2 NMSA 1978: provide advice, upon request, to state librarian on matters germane to the powers and duties of the state library or state library division; and any other matters related to libraries.

**Duplication, Similarity or Connection with Other Agencies:** Library division

**Can Existing Agency Perform Function?** Library division, without formalized advice

**Category:** Cultural Affairs

**Libraries, New Mexico Advisory Council on**

**Statutory Reference:** Not statutory

**Organizational Status:** Advisory

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Yes

**Senate Confirmation?** No

**Funding:** Federal funds

**Membership:** Seven members

**Powers and Duties:** Advise how to spend federal resources.

**Duplication, Similarity or Connection with Other Agencies:** Library division and state library commission

**Can Existing Agency Perform Function?** Not without federal change

**Category: Cultural Affairs**

## **Museum Board of Regents**

**Statutory Reference:** Section 18-3-2 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy. Separation of board and museum division powers and duties is not clearly delineated.

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through office of cultural affairs; statutory per diem and mileage.

**Membership:** Seven members appointed by governor with advice and consent of senate; appointments must give consideration to geographical distribution of members; members must be conversant with and show continuing interest in history, fine arts, Indian art, folk art or anthropology. Terms are six years or less.

**Powers and Duties:** Section 18-3-3 NMSA 1978: solicit and receive private funds; exercise trusteeship over museum collections; hold title to all property for museum use; acquire, preserve and exhibit objects of historical, archaeological and ethnological interest and works of fine art, folk art and craft, and real property for museum use or benefit; loan museum collections; enter into contracts for use of museum premises or facilities; enter into contracts for services related to location, preservation, restoration, salvage or development of historic, archaeological or other culturally related sites, structures or objects; publish and sell museum journals and other books and publications; enter into agreements or contracts to obtain gifts, donations or loans of museum materials; impose admission fees; and adopt rules and set policy directives.

**Other:** The board of regents appoints the museum division director (Section 18-3-4 NMSA 1978); however, the director works under the direction, control and supervision of the state cultural affairs officer (Section 18-3-5 NMSA 1978).

**Duplication, Similarity or Connection with Other Agencies:** Museum division and office of cultural affairs. The museum also has a private foundation that raises money for special projects of museum.

**Can Existing Agency Perform Function?** Museum division and office of cultural affairs

**Category:** Cultural Affairs

**Natural History and Science, Board of Trustees of the  
New Mexico Museum of**

**Statutory Reference:** Section 18-3A-5 NMSA 1978 (Natural History and Science Museum Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through office of cultural affairs; statutory per diem for public members, which is not allowed for private members.

**Membership:** Thirteen members. Eleven public members appointed by governor with advice and consent of senate for four years or less coterminous with current term of appointing governor as follows: no fewer than two employees of state institutions of higher learning; no fewer than two members from the science community; and no fewer than two from the natural history community. Two private members appointed by the board of the New Mexico museum of natural history foundation for one-year terms. The director of the division is an ex-officio, nonvoting member. President of board is designated by governor and serves at pleasure of the governor.

**Powers and Duties:** Section 18-3A-7 NMSA 1978: exercise trusteeship over museum collection; accept and hold title to museum property; review performance of director and report to cultural affairs officer; obtain real or personal property for museum use; authorize director to solicit and receive funds or property; adopt rules to carry out powers and duties; and establish museum policy, determine mission and direct development, subject to decision of state cultural affairs officer.

**Duplication, Similarity or Connection with Other Agencies:** Division and office. The museum also has a private foundation.

**Can Existing Agency Perform Function?** Division and office

**Category:** Cultural Affairs

**Old Lincoln County Memorial Commission**

**Statutory Reference:** Section 18-4-1 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** No

**Membership:** Nine members appointed by the governor with the advice and consent of the senate for staggered four-year terms. No two members may be from the same county. The board of county commissioners from each of the counties comprising the old Lincoln county, to wit, Lincoln, Chavez, Otero, Lea, Eddy, Roosevelt, Curry and De Baca, submit three names; governor selects one person from each list and one member from the state at large. Members meet at least once a year.

**Other:** Commission is defunct; duties are currently provided by museum board of regents.

**Powers And Duties:** Section 18-4-5 NMSA 1978: provide advice, upon request, to director of the museum division on matters germane to the old Lincoln county courthouse.

**Duplication, Similarity or Connection with Other Agencies:** Museum division and office of cultural affairs

**Can Existing Agency Perform Function?** Yes, museum division and office. Powers and duties are currently being performed by museum board of regents.

**Category:** Cultural Affairs

**Space History Commission, New Mexico Museum of**

**Statutory Reference:** Section 18-7-2 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through office of cultural affairs; statutory per diem and mileage.

**Membership:** Eleven members appointed by the governor. Four members are appointed at large; one member is appointed from each of the planning and development districts. Terms are for three years, staggered.

**Powers and Duties:** Section 18-7-3 NMSA 1978: for construct, maintain and operate the museum of space history. Commission establishes policy for the general operation of the division.

Section 18-7-4 NMSA 1978: the division director is under the supervision of the commission. Commission establishes admissions policy. Commission hires and fires director, subject to approval of state cultural affairs officer and consent of secretary of finance and administration.

**Duplication, Similarity or Connection with Other Agencies:** Museum of space history division and office of cultural affairs. Museum has a private foundation.

**Can Existing Agency Perform Function?** Yes, division and office of cultural affairs

**Category: Education, Higher**

**Education, Commission on Higher**

**Statutory Reference:** Section 21-1-26 NMSA 1978

**Organizational Status:** Administratively attached to DFA.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act

**Membership:** Fifteen members as follows: one member from each of the 10 board of education districts; three members from a district consisting of the state at large; two members, one voting and one nonvoting, appointed by governor from among student body presidents from state higher education institutions, including community colleges, as provided in Section 12-1-29 NMSA 1978. Thirteen district members are appointed by governor with consent of senate and they must be qualified electors, with no more than seven from the same political party. District members serve six-year terms and may not succeed themselves. Members cannot be removed except for incompetence, neglect of duty or malfeasance; senate has exclusive original jurisdiction over removal.

**Other:** CHE serves as state commission on post-secondary education (Post-Secondary Educational Planning Act).

CHE has three committees to manage commission's agenda: finance, facilities and educational programs and policies.

**Powers and Duties:** Section 21-1-26 NMSA 1978: be concerned with adequate financing of Article 12, Section 11 institutions and with equitable distribution of available funds among them; receive funding for the in-plant development training program and administer development training funds [no longer applicable; Section 21-19-7 NMSA 1978 amended to delete CHE]; receive, adjust and approve budgets; develop and maintain programs; and exercise other powers as granted by law. Governor may designate CHE to administer federal funds for higher education. CHE oversees all private post-secondary educational institutions in state.

Section 21-1-26.7 NMSA 1978: present annual accountability report to the governor and legislature.

Section 21-1-26.9 NMSA 1978: review and approve proposed new campuses.

Section 21-1-26.10 NMSA 1978: develop and approve five-year plan for supplemental severance tax bond capital projects.

Section 21-1-27.1 NMSA 1978: distribute the faculty endowment fund.

Section 21-1-30 NMSA 1978: appoint full-time executive director.

Section 21-1-33 NMSA 1978: compile accounting and reporting manual.

Section 21-1-34 NMSA 1978: promulgate rules for disbursement of educational television equipment replacement fund.

Section 21-1-37 NMSA 1978: administer New Mexico cooperative education program.

Section 21-1-40 NMSA 1978: administer prepaid higher education tuition program.

Other acts, programs and funds CHE is involved with: Post-Secondary Educational Planning Act; Post-Secondary Education Articulation Act; associate degree curriculum approval; area vocational school fund distributions; Minority Doctoral Assistance Loan for Service Program Act; Legislative Endowment Scholarship Act; various health profession loan-for-service and loan repayment programs; Post-Secondary Educational Institution Act; Out-of-State Proprietary School Act; Student Loan Act; Student Loan Guarantee Act; Educational Assistance Act; Work-Study Act; Student Choice Act; Senior Citizens Reduced Tuition Act; Vietnam veterans' scholarship fund; Fire Fighter and Peace Officer Survivors Scholarship Act; Graduate Scholarship Act; New Mexico Scholars Act; Osteopathic Intern Act; Two-Year College Maintenance Act; New Mexico Lottery Act; Teacher Loan for Service Act; Education Trust Act; WICHE Loan for Service Act; and non-proprietary out-of-state institutions.

**Duplication, Similarity or Connection with Other Agencies:** State board of education

**Can Existing Agency Perform Function?** No

**Category: Education, Higher**  
**Education, State Commission on Post-Secondary**

**Statutory Reference:** Section 21-2-3 NMSA 1978 (Post-Secondary Educational Planning Act)

**Organizational Status:** Post-secondary planning agency

**Policy or Advisory?** N/A

**Rulemaking Authority?** Unspecified

**Federal Mandate?** Not per se; however, commission is designated as agency required for certain federal programs.

**Senate Confirmation?** N/A

**Funding:** N/A

**Membership:** Commission on higher education serves as state commission on post-secondary education.

**Powers and Duties:** Section 21-2-3 NMSA 1978: concern for all types of post-secondary education and all types of educational institutions and programs; when federal law or regulations require, commission may request the governor to name supplementary members to commission.

Section 21-2-4 NMSA 1978: may establish committees or task forces; and may use existing agencies or organizations to make studies, conduct surveys, submit recommendations or otherwise contribute expertise.

Section 21-2-5 NMSA 1978: carry out a continuing program of statewide planning for post-secondary planning, including specific activities delineated in section.

Section 21-2-5.1 NMSA 1978: develop a funding formula that will provide funding for each institution of higher education to accomplish its mission as determined by a statewide planning effort.

Section 21-2-6 NMSA 1978: consult with and invite active participation of representatives of higher, public and vocational education; state agencies; and commerce, industry and labor.

Section 21-2-7 NMSA 1978: submit annual report.

Sections 21-2-8 and 21-2-9 NMSA 1978: designated state agency for certain federal programs.

**Duplication, Similarity or Connection with Other Agencies:** N/A

**Can Existing Agency Perform Function?** N/A

**Category: Education, Higher**

## **Education Trust Board**

**Statutory Reference:** Section 21-21K-4 NMSA 1978 (Education Trust Act)

**Organizational Status:** Administratively attached to commission on higher education.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Unclear, may be from education trust fund; statutory per diem and mileage.

**Membership:** Five members as follows: director of commission on higher education or his designee, who serves as chairman; state investment officer or his designee; one member appointed by governor; one member representing institutions of higher education appointed by the speaker; and one member representing students at institutions of higher education appointed by the president pro tempore of the senate. Appointed members must possess knowledge, skill and experience in higher education, business or finance. Terms are six years, except for the student member, who has a two-year term.

**Other:** Commission is required to provide administrative support.

**Powers and Duties:** Section 21-21K-4 NMSA 1978: promulgate rules to carry out the act; protect the financial integrity of the fund; preserve program benefits and ensure appropriate use of tax benefits; and determine the cost of attendance at institutions of higher education, which must use the same components and allowances as federal student financial assistance programs.

Section 21-21K-3 NMSA 1978: administer the education trust fund; enter into contracts with investors; review fund investments at least quarterly; pay institutions of higher education on behalf of beneficiaries; and create separate trust funds or accounts within the fund.

Section 21-21K-5 NMSA 1978: be a party to college investment agreements; provide for the direct payment of principal, investment earnings and capital appreciation to the institution of higher education the beneficiary actually attends; approve circumstances for predesignation of beneficiary; establish a refund policy; and annually notify each investor of the status of the fund.

Section 21-21K-6 NMSA 1978: promulgate rules to establish a prepaid higher education tuition program.

Section 21-21K-7 NMSA 1978: report annually to the governor and the appropriate interim committee.

**Duplication, Similarity or Connection With Other Agencies:** Commission on higher education; state investment council; state treasurer; and educational assistance foundation.

**Can Existing Agency Perform Function?** Yes, see above

**Category: Education, Higher**  
**Health Profession Advisory Committee**

**Statutory Reference:** Section 21-1-26.8 NMSA 1978

**Organizational Status:** Advisory to commission on higher education.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Representatives of the department of health, New Mexico health policy commission and public post-secondary health and medical training programs, underserved health- and medical-area providers, recruiting and placement organizations and professional health and medical associations. Members are appointed by CHE.

**Powers and Duties:** Section 21-1-26.8 NMSA 1978: designate health professional shortage areas of state; recommend applicants for medical, osteopathic, nursing and allied health loan-for-service programs and loan-repayment programs; and give advice and other assistance to commission as requested.

**Duplication, Similarity or Connection with Other Agencies:** Health service corps in department of health

**Can Existing Agency Perform Function?** None noted

**Category:** Education, Higher

**Regents, Boards of State Educational Institutions**

**Eastern New Mexico University, New Mexico Highlands University, New Mexico Institute of Mining and Technology, New Mexico Military Institute, New Mexico State University, Northern New Mexico State School, University of New Mexico and Western New Mexico University**

**Statutory Reference:** Article 12, Section 13 of the constitution of New Mexico; pertinent articles of Chapter 21 NMSA 1978

**Organizational Status:** Independent

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; members' per diem and mileage included in institution budgets.

**Membership:** Five members appointed by the governor with the advice and consent of the senate, no more than three of whom may have the same political affiliation. One of the five regents at ENMU, NMHU, NMIMT, NMSU and WNMU is a student. Nonstudent regents must be qualified electors of the state and their terms are six years, staggered. Student regents are appointed from lists provided by the presidents of the institutions and serve two-year terms. NMMI and NNMSS regents are all qualified electors.

**UNM Membership:** Seven members appointed by the governor with the advice and consent of the senate, six of whom are qualified electors and one of whom shall be a student; no more than four shall be from the same political party. Terms and other provisions and terms are the same as the other institutions.

Removal is only for incompetence, neglect of duty or malfeasance in office. The supreme court has exclusive original jurisdiction over proceedings to remove members and its decision is final.

**Powers and Duties:** New Mexico state constitution Article 12, Section 13: charged with the management and control of the school, the care and preservation of all school property, the construction of all necessary facilities and the disbursement and expenditure of all monies received by the respective institution. The board may sue and be sued, contract and be contracted with and make and use a common seal as well as alter that seal at pleasure. The board

hires a president for the university as its chief executive officer and determines the scope of the president's duties and authority. The board may also fix the salaries of professors, teachers and other employees as well as the tuition fees paid by students of the college.

**Duplication, Similarity or Connection with Other Agencies:** Each constitutionally created state educational institution has a board of regents that controls and manages the institution.

**Can Existing Agency Perform Function?** No

**Category:** Education, Public

**Communities in Schools Advisory Board**

**Statutory Reference:** Not statutory; required by funding source

**Organizational Status:** N/A — children, youth and families department supports the board.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Required pursuant to federal program

**Senate Confirmation?** No

**Funding:** N/A

**Membership:** No direct appropriation; department formed board with 10 members.

**Other:** There are 12 CIS advisory boards in communities across the state and members do not receive per diem and mileage.

**Powers and Duties:** Oversee activities of public-private partnerships whose goal is to reduce the student drop-out rate in public schools.

**Duplication, Similarity or Connection with Other Agencies:** There are several drop-out prevention programs at state and local levels.

**Can Existing Agency Perform Function?** Not without change in federal program

**Category:** Education, Public

**Deaf, Board of Regents of the New Mexico School for the**

**Statutory Reference:** Article 12, Section 13 of the constitution of New Mexico; Section 21-6-1 NMSA 1978

**Organizational Status:** Independent

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; members' per diem and mileage included in institution budget.

**Membership:** Five members appointed by the governor with consent of the senate for staggered six-year terms, no more than three of whom have the same political affiliation, including one deaf person and the parent of a deaf child.

**Powers and Duties:** Section 21-6-1 NMSA 1978: employ a superintendent, teachers and all other necessary employees to operate the New Mexico school for the deaf in the most efficient manner; and manage and control the school.

**Duplication, Similarity or Connection with Other Agencies:** Regents of school for the visually handicapped

**Can Existing Agency Perform Function?** No

**Category: Education, Public**  
**Healthier Schools Coordinating Committee, New Mexico**

**Statutory Reference:** Not statutory

**Organizational Status:** N/A — committee assists efforts of department of education, department of health and children, youth and families department.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Centers for disease control funding provides for creation and operation of board.

**Senate Confirmation?** No

**Funding:** Federal funds

**Membership:** Committee has 40 members organized into steering committee and standing committees.

**Powers and Duties:** Collaborate with local communities to integrate health and education for students through policy development and direct technical assistance.

**Duplication, Similarity or Connection with Other Agencies:** Department of education, department of health, possibly children, youth and families department

**Can Existing Agency Perform Function?** Not without change in federal program

**Category: Education, Public**

## **Education, State Board of**

**Statutory Reference:** Article 12, Section 6 of the constitution of New Mexico; Section 22-3-54.1 NMSA 1978 (2001 Educational Redistricting Act)

**Organizational Status:** Independent

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes, for appointed members.

**Funding:** General appropriation act; members' per diem and mileage included in department budget.

**Membership:** Fifteen members. Ten members of the state board of education are elected for staggered four-year terms as provided by law. These board members must be residents of the board of education district from which they are elected. Change of residence of a board member to a place outside the district from which he was elected automatically terminates the term of that member. Five members of the state board of education are nominated and, by and with the consent of the senate, appointed by the governor from five districts substantially equal in population for staggered four-year terms, no more than one-half or a simple majority of whom may be members of the same political party. The governor fills vacancies on the board by appointment of a resident from the district in which the vacancy occurs until the next regular election for membership on the board.

**Powers and Duties:** Article 12, Section 6 of the constitution of New Mexico: determine public school policy and vocational educational policy and have control, management and direction, including financial direction, distribution of school funds and financial accounting for all public schools, pursuant to authority and powers provided by law. The board appoints a qualified, experienced educational administrator known as the superintendent of public instruction who, subject to the policies established by the board, directs the operation of the state department of education.

Section 22-2-1 NMSA 1978: promulgate and enforce rules to exercise its authority; waive provisions of the Public School Code as authorized by law.

Section 22-2-2 NMSA 1978: enforce Public School Code; determine policy for all public schools and vocational education programs in the state, including juvenile construction industries programs of CYFD; appoint state superintendent; purchase and loan instructional

material; designate courses of instruction for all public schools; assess and evaluate all state institutions and private schools that wish state accreditation; determine qualifications for teachers, counselors, administrators and other school personnel; suspend or revoke certificates; make reports on school district consolidation; adopt rules for the administration of all public schools; require periodic reports from public and private schools; authorize adult education programs; require insurance for athletic program participants; require accrediting agencies to act with its approval; accept and disburse grants and accept or reject charitable gifts; require prior approval of private-sponsored educational programs; approve rules of public school activity associations and review their decisions; establish and maintain regional educational cooperative centers; assess and evaluate for accreditation at least one-third of schools each year; provide for management and other personnel to operate a failing school; establish and implement technical assistance for school boards; plan for and disburse PL 94-142 funds; enforce requirements for home schools; develop systemic framework for professional development; approve education curricula and programs for alternative certification and educational assistant certification; and withhold program approval from colleges of education and teacher preparation programs that fail to offer courses on teaching reading.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category: Education, Public**

**Indian Education Advisory Council**

**Statutory Reference:** Section 22-2-13 NMSA 1978 (Public School Code)

**Organizational Status:** Advisory to Indian education division of the department of education.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department of education; statutory per diem and mileage.

**Membership:** Not more than seven Indian educators and others appointed by the assistant superintendent for Indian education.

**Powers and Duties:** Section 22-2-13 NMSA 1978: assist in evaluating, consolidating and coordinating all activities relating to education of Indian students.

**Duplication, Similarity or Connection with Other Agencies:** Indian education division

**Can Existing Agency Perform Function?** Department of education, without formalized advice

**Category: Education, Public**

**Public School Capital Outlay Council**

**Statutory Reference:** Section 22-24-6 NMSA 1978 (Public School Capital Outlay Act)

**Organizational Status:** Unspecified, but includes the deficiencies correction unit.

**Policy or Advisory?** Unspecified, but makes policy regarding funding.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Other:** SDE is primary staff, but DFA, LCS, LESC and LFC also staff the council; vouchers are signed by DFA.

**Membership:** Secretary of finance and administration, state superintendent, governor, president of NM school boards association, director of construction industries division, president of the state board of education, director of LESC, director of LFC and director of LCS.

**Powers and Duties:** Section 22-24-4 NMSA 1978: determine capital expenditures from public school capital outlay fund; authorize purchase by property control division of property to be loaned to school districts to meet temporary requirement; and review all requests for assistance from fund and allocate for projects that meet criteria of act.

Section 22-24-4.1 NMSA 1978: define and develop guidelines for school districts to identify outstanding serious deficiencies in school buildings and grounds; develop methodology for prioritizing correction projects; approve allocations; and enter into construction contracts.

Section 22-24-4.2 NMSA 1978: select director of deficiencies correction unit.

Section 22-24-5 NMSA 1978: approve applications for grant assistance from fund.

**Duplication, Similarity or Connection with Other Agencies:** Department of education administers another capital outlay fund — public school capital improvements fund — and the public school district general obligation bonds loan fund.

**Can Existing Agency Perform Function?** Department of education could administer fund and state board could make funding decisions.

**Category:** Education, Public

**Public School Insurance Authority, Board of Directors of the**

**Statutory Reference:** Section 22-2-6.5 NMSA 1978 (Public School Insurance Authority Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act

**Membership:** Nine members as follows: one member selected by state board of education; one school business official selected by school administrators; one board member of the school boards association, selected by association; one superintendent selected by superintendents' association; three members selected by New Mexico NEA and federation of teachers; one member selected by the board from lists submitted by educational entities; and three members appointed by governor. Members serve at pleasure of appointing authority, not to exceed three years.

**Powers and Duties:** Section 22-2-6.5 NMSA 1978: hire director; appoint other staff; contract; operate authority.

**Duplication, Similarity or Connection with Other Agencies:** Duplicates work of risk management division.

**Can Existing Agency Perform Function?** Risk management division. Bill introduced in 1995 to consolidate risk management division, public school insurance authority and retiree health care authority into one central insurance authority.

**Category:** Education, Public

**Regional Education Cooperative, Councils of**

**Statutory Reference:** Section 22-2B-3 NMSA 1978 (Regional Cooperative Education Act)

**Organizational Status:** Individual state agencies administratively attached to the department of education.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act

**Membership:** Councils are composed of the superintendents or chief administrative officers of local school districts of state-supported educational institutions participating in the cooperative.

**Other:** Upon authorization by the state board of education, local school boards may join with other local school boards or other state-supported educational institutions to create regional education cooperatives to provide education-related services.

Cooperatives submit budgets to the department of education instead of to the department of finance and administration. A council may be designated as a board of finance. Cooperatives are exempt from the Personnel Act.

**Powers and Duties:** Section 22-2B-5 NMSA 1978: oversee the function and operation of the cooperative, adopt a budget and hire a director and other staff.

**Duplication, Similarities or Connection With Other Agencies:** School districts; regional cooperative centers

**Can Existing Agency Perform Function?** School districts

**Category: Education, Public**

**Technology in Education, Council on**

**Statutory Reference:** Section 22-15A-5 NMSA 1978 (Technology for Education Act)

**Organizational Status:** Advisory to education technology bureau, state board and legislature.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department of education; statutory per diem and mileage.

**Membership:** Seventeen members appointed by state board of education for staggered four-year terms. Members are: one member with expertise in state government; three members with expertise in school district administration; two members with expertise in providing instructional services in post-secondary, technical-vocational or adult education; three members with expertise in providing instructional services in elementary or secondary schools; two members who are parents of school-age children; one member who is a public school secondary student; three members with expertise in educational technology; and two members at large. Membership should be representative of geographic and cultural diversity.

**Powers and Duties:** Section 22-15A-7 NMSA 1978: advise bureau on implementation of act; work with bureau to conduct periodic assessments of need for educational technology and make recommendations to board; promote collaborative development and implementation of educational technologies, projects and practices to enhance instruction capabilities; develop and recommend to board a statewide plan to infuse educational technology into school system in support of state and national education goals; and provide assistance to bureau in review of school district technology plans.

**Duplication, Similarity or Connection with Other Agencies:** Department of education

**Can Existing Agency Perform Function?** Department of education, without formalized advice

**Category:** Education, Public

**Visually Handicapped, New Mexico School for the, Board of Regents of the**

**Statutory Reference:** Article 12, Section 13 of the constitution of New Mexico; Section 21-5-2 NMSA 1978

**Organizational Status:** Independent

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; members' per diem and mileage provided in institution's budget.

**Membership:** Five members appointed by the governor for staggered six-year terms, no more than three of whom may have the same political affiliation. At least one member shall be visually handicapped and one member shall be a parent of a visually handicapped child.

**Powers and Duties:** Section 21-5-2 NMSA 1978: manage and control school, care and preserve all school property, construct all necessary facilities and disburse and expend all money received by the New Mexico school for the visually handicapped. The board may sue and be sued, contract and be contracted with and make and use a common seal and alter that seal at pleasure.

**Duplication, Similarity or Connection with Other Agencies:** School for the deaf board of regents

**Can Existing Agency Perform Function?** No

**Category: Environment and Natural Resources**  
**Coal Surface Mining Commission**

**Statutory Reference:** Section 69-25A-4 NMSA 1978 (Surface Mining Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy for the mining and minerals division of the energy, minerals and natural resources department.

**Rulemaking Authority?** Yes

**Federal Mandate?** Yes. Surface Mining Act is in response to federal act; the state has opted to administer a state program on surface mining and reclamation.

**Senate Confirmation?** Yes, non-ex-officio members

**Funding:** Indirect through energy, minerals and natural resources department; statutory per diem and mileage.

**Membership:** Director of the bureau of mines and mineral resources, director of the department of game and fish, secretary of environment, chairman of the soil and water conservation commission, director of the agricultural experiment station, state engineer, commissioner of public lands and two public members appointed by governor with advice and consent of senate. Public members must have expertise related to mining or mine reclamation. Commission meets at call of chair or majority of the members. No member may have a direct or indirect financial interest in any activity undertaken by the commission.

**Powers and Duties:** Section 69-25A-5 NMSA 1978: adopt and file rules to implement the Surface Mining Act.

Section 69-25A-29 NMSA 1978: take appeals from decisions of the director.

**Duplication, Similarity or Connection with Other Agencies:** Department; bureau of mines and mineral resources

**Can Existing Agency Perform Function?** Not without federal change

**Category: Environment and Natural Resources**  
**Emergency Management Task Force**

**Statutory Reference:** Section 74-4B-6 NMSA 1978 (Emergency Management Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** N/A

**Membership:** Chief of state police; state fire marshal; two staff members of EID named by director, one of whom is knowledgeable about radioactive materials and one of whom is knowledgeable about hazardous substances; director of the technical and emergency support division of DPS; chief of the EMS bureau; secretary of highway and transportation; chairman of the public regulation commission; representative of the governor who is not an employee of an agency represented on the task force, appointed by the governor and who serves as chairman; secretary of taxation and revenue; and director of the information systems division.

**Other:** Department of environment reports task force is defunct; duties are being performed by state emergency response commission.

**Powers and Duties:** Section 74-4B-6 NMSA 1978: develop and monitor a comprehensive plan, including procedures for initially assessing the scope and nature of an accident; procedures for notifying and assembling the emergency response team; procedures for siting and operating an on-scene command post; inventory and assessment of manpower, equipment and training in each responsible state agency; assessment of adequacy and availability of training materials and facilities; development of training program; procedures for decontaminating personnel, equipment and facilities; identification of medical resources in state; information and training programs for hospital personnel; procedures for accident assessment and record-keeping; procedures for preparedness exercises and testing of the plan; designation of areas of responsibility; criteria for determining when an accident can be handled locally; procedures for entering into cooperative agreements; and identification of information management resources.

**Duplication, Similarity or Connection with Other Agencies:** State emergency response commission

**Can Existing Agency Perform Function?** Function is being performed by state emergency response commission.

**Category:** Environment and Natural Resources

**Emergency Response Commission, State**

**Statutory Reference:** Section 74-4E-4 NMSA 1978 (Hazardous Chemicals Information Act)

**Organizational Status:** Unspecified; "department" is defined in act as department of public safety.

**Policy or Advisory?** Has supervisory authority to implement federal act.

**Rulemaking Authority?** Unspecified

**Federal Mandate?** Yes, federal Emergency Planning and Community Right-to-Know Act of 1986.

**Senate Confirmation?** No

**Funding:** Indirect through department of public safety; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor, including representatives of private industry, federal facilities, public health and public safety. Terms are four years, staggered. The governor designates the chairman.

**Powers and Duties:** Section 74-4E-4 NMSA 1978: exercise supervisory authority to implement Title 3 in the state; prescribe reporting forms required by act; provide direction to the emergency management task force and the hazardous materials safety board; report periodically to the radioactive and hazardous materials committee; report annually to governor and legislature; accept grants to carry out purposes of Hazardous Chemicals Information Act and Emergency Management Act; and make contracts.

**Duplication, Similarity or Connection with Other Agencies:** Technical and emergency support division of the department of public safety

**Can Existing Agency Perform Function?** Not without federal changes

**Category: Environment and Natural Resources**  
**Environmental Improvement Board**

**Statutory Reference:** Section 74-1-4 NMSA 1978 (Environmental Improvement Act)

**Organizational Status:** Policy board for the department of environment

**Policy or Advisory?** Policy; provides programmatic direction to department of environment.

**Rulemaking Authority?** Yes; board promulgates all rules applying to persons and entities outside the department.

**Federal Mandate?** Not per se, but EIB serves as required agency for certain federal programs.

**Senate Confirmation?** Yes

**Funding:** General appropriation act; indirect through department; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor with advice and consent of senate; appointed for overlapping terms with no term exceeding five years; no more than four from same political party. At least a majority of members must represent the public interest and not derive any significant portion of their income from persons subject to or who appear before the board on issues related to the federal Clean Air Act or the Air Quality Control Act. Board meets at call of chair or majority of its members.

**Other:** Section 9-7A-12 NMSA 1978 provides for the board's exemption from authority of secretary of environment.

**Powers and Duties:** Section 74-1-5 NMSA 1978: promulgate all external rules.

Section 74-1-8 NMSA 1978: provide environmental management and consumer protection, including the following areas: food protection; water supply; liquid waste; air quality management as provided in the Air Quality Control Act; radiation control as provided in the Radiation Protection Act; noise control; nuisance abatement; vector control; occupational health and safety as provided in the Occupational Health and Safety Act; sanitation of public swimming pools and public baths; plumbing, drainage, ventilation and sanitation of public buildings; medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Radiation Health and Safety Act; hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act; and solid waste as provided in the Solid Waste Act.

Other acts for which the board has responsibility: Food Service Sanitation Act; New Mexico Food Act; Flour and Bread Act; raw milk sold at retail; Radiation Protection Act; Rural

Infrastructure Act; Tire Recycling Act; Ground Water Protection Act; and Environmental Compliance Act.

**Duplication, Similarity or Connection with Other Agencies:** Department of environment

**Can Existing Agency Perform Function?** Possibly the department; however, change may require federal concurrence.

**Category: Environment and Natural Resources**  
**Forest Stewardship Coordinating Committee**

**Statutory Reference:** Not statutory

**Organizational Status:** Attached to forestry division of the energy, minerals and natural resources department.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Yes, required for the federal grant; 50-50% state-federal match.

**Senate Confirmation?** No

**Funding:** Federal funds, if any.

**Membership:** Unspecified

**Powers and Duties:** Decide formula for distribution of federal money that goes to land owners throughout state.

**Duplication, Similarity or Connection with Other Agencies:** Forestry division

**Can Existing Agency Perform Function?** Not without federal change

**Category: Environment and Natural Resources**  
**Game Commission, State**

**Statutory Reference:** Section 17-1-2 NMSA 1978

**Organizational Status:** Administratively attached to energy, minerals and natural resources department (this is the only occurrence of a commission and its department being administratively attached to another department).

**Policy or Advisory?** Policy; commission operates department of game and fish.

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; members' per diem and mileage provided in department budget.

**Membership:** Seven members, no more than four of whom belong to the same political party, are appointed by the governor with the advice and consent of the senate. Members serve four-year terms. Five members are appointed from districts as specified in Section 17-1-2 NMSA 1978 and two members are appointed at large. One member must manage and operate a farm or ranch that contains at least two species of wildlife; at least one member shall have a demonstrated history of involvement in wildlife and habitat protection issues and an occupation that is not in conflict with wildlife and habitat advocacy.

**Powers and Duties:** Section 17-1-5 NMSA 1978: employ a director of the department and discharge him for reasons the commission deems sufficient.

Section 17-1-14 NMSA 1978: general control over collection and disbursement of all money collected under state law for protection and propagation of game and fish; establish and operate fish hatcheries; declare closed seasons; establish game reserves; purchase lands for game reserves; receive land suitable for department purposes; apply for and accept grants and donations; designate certain areas as rest grounds for migratory birds; close any public stream or lake; propagate, capture, purchase, transport or sell any species of game or fish; suspend or revoke any license or permit issued pursuant to Chapter 17 NMSA 1978 and withhold license privileges; adopt regulations; conduct endangered and nongame species management studies; establish licenses, permits and certificates; prohibit all hunting during extreme forest fire danger; permit, regulate or prohibit commercial taking or capturing of native, free-ranging amphibians or reptiles not specifically protected by law, except rattlesnake roundups, collection of fish bait and lizard races; and control, eradicate or prevent the spread of contagious diseases, pests or parasites in wild populations.

Section 17-1-18 NMSA 1978: grants commission bonding authority (Game and Fish Bond Act).

Section 17-2-1 NMSA 1978: define game birds, animals and fish; establish open and closed seasons; establish bag limits; authorize or prohibit killing or taking of game animals, birds or fish; prescribe manner, methods and devices that may be used in hunting or taking; and prescribe rules to prohibit any vehicle engaged in hunting or taking from leaving established roadways.

Section 17-2A-2 NMSA 1978: develop a statewide system for hunting activities; and register hunting guides and outfitters.

Other acts for which the commission is responsible: Wildlife Conservation Act; Regulated Shooting Preserve Act; Sections 17-4-1 through 17-4-32 NMSA 1978 related to propagation of fish and game; Sections 17-5-1 through 17-5-9 NMSA 1978 relating to trappers and fur dealers; Habitat Protection Act; and Shooting Range Fund Act.

**Duplication, Similarity or Connection with Other Agencies:** There may be natural, though not statutory, affinity with portions of the state parks division mission.

**Can Existing Agency Perform Function?** The department could be operated as other executive departments, which are answerable to the governor instead of a commission of citizens.

**Category: Environment and Natural Resources**  
**Hazardous Materials Safety Board**

**Statutory Reference:** Section 74-4B-8 NMSA 1978 (Emergency Management Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; required per diem and mileage would be paid by employee agency.

**Membership:** Training officers of the responsible state agencies.

**Powers And Duties:** Section 74-4B-8 NMSA 1978: establish curriculum of accident-response training for personnel of each responsible state agency; certify persons who have completed the curriculum; meet at least every four months to review training needs and formulate a plan to meet those needs; conduct an annual comprehensive training course; prepare and submit to the state emergency response commission a budget for statewide training needs; and cooperate with and assist the task force as requested.

**Duplication, Similarity or Connection with Other Agencies:** There are several state organizations that deal with emergency response.

**Can Existing Agency Perform Function?** No; board composed of affected state agencies.

**Category:** Environment and Natural Resources

**Office of Interstate Natural Gas Markets Technical Advisory Committee**

**Statutory Reference:** Section 70-11-5 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No

**Membership:** Four members as follows: secretary of energy, minerals and natural resources or his designee; director of natural gas programs or his designee; commissioner of public lands or his designee; and director of oil conservation division or his designee, who is a nonvoting member.

**Powers and Duties:** Section 70-11-5 NMSA 1978: review and make recommendations to the director on how the office should perform its duties.

**Duplication, Similarity or Connection with Other Agencies:** Energy, minerals and natural resources department

**Can Existing Agency Perform Function?** Department, without formalized advice

**Category: Environment and Natural Resources**  
**Interstate Stream Commission**

**Statutory Reference:** Section 72-14-1 NMSA 1978

**Organizational Status:** Independent of state engineer, though budget is contained in state engineer budget.

**Policy or Advisory?** Policy

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act

**Membership:** Nine members, including the state engineer and eight appointed by the governor for six-year terms. Appointed members represent major irrigation districts or sections; no two members may be appointed from the same irrigation district. State engineer serves as secretary.

**Other:** Commission has power of eminent domain and power to issue revenue bonds

**Powers and Duties:** Section 72-14-3 NMSA 1978: negotiate compacts to settle interstate controversies or ensure equitable distribution of water in interstate stream systems; match federal appropriations; investigate water supply; develop, conserve and protect waters and stream systems, interstate or otherwise; institute legal proceedings; carry out provisions of Chapter 72, Article 14 NMSA 1978; and employ personnel.

Other powers specified in Chapter 72, Article 14 NMSA 1978: power to construct irrigation works; power to purchase, exchange and condemn property; power to issue revenue bonds; make loans from irrigation works construction fund; appropriate groundwater; purchase water rights; and make grants or loans for regional water planning.

Section 75-2-4 NMSA 1978 (Water Research, Conservation and Development Act): review and approve or deny water research, conservation or development project proposals; adopt guidelines for project preparation, review, application and approval; allocate money for water research, conservation or development projects; administer the water research, conservation and development fund; and accept federal and private matching funds or grants.

**Duplication, Similarity or Connection with Other Agencies:** There is similarity and connection with state engineer, but not duplication.

**Can Existing Agency Perform Function?** No; current administrative scheme was derived to mitigate conflict of interest problems with state engineer's adjudicatory function and other water duties.

**Category: Environment and Natural Resources**  
**Mining Act Advisory Committee**

**Statutory Reference:** Section 69-36-9 NMSA 1978 (New Mexico Mining Act)

**Organizational Status:** Advisory to the director of the mining and minerals division of the energy, minerals and natural resources department.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** N/A

**Membership:** Number unspecified; membership balances interests of affected government entities, mining industry, environmental groups, regulatory agencies and other persons the director determines represent a constituency that will be affected by the act.

**Other:** Committee was created to assist the department in promulgating rules, which were adopted in 1994; committee is currently inactive.

**Powers And Duties:** Unspecified

**Duplication, Similarity or Connection with Other Agencies:** N/A

**Can Existing Agency Perform Function?** N/A

**Category: Environment and Natural Resources**

**Mining Commission**

**Statutory Reference:** Section 69-36-6 NMSA 1978 (New Mexico Mining Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Seven voting members as follows: director of bureau of mines and mineral resources; secretary of environment; state engineer; commissioner of public lands; director of department of game and fish; and two public members and their alternates appointed by governor with advice and consent of senate. Public members are chosen to represent and to balance environmental and mining interests while minimizing conflicts of interest; no more than one public member and one alternate may belong to the same political party. Public members serve four-year terms. Alternate votes only in absence of public member for whom he is the alternate. Chairman of the soil and water conservation commission and the director of the agricultural experiment station are nonvoting members. Commission meets at call of chairman or majority of members. There are financial limits to serving on commission and members must file a disclosure statement with the secretary of state. Members must recuse on decisions affecting financial interest.

**Powers and Duties:** Section 69-36-7 NMSA 1978: adopt rules to implement the act, including specific areas provided for in the section.

Section 69-36-15 NMSA 1978: review decisions of the director.

Section 69-36-17 NMSA 1978: assess civil penalties; and hear appeals of penalties assessed by director.

**Duplication, Similarity or Connection with Other Agencies:** Statute includes the New Mexico Mining Act advisory committee that is currently defunct.

**Can Existing Agency Perform Function?** Not easily, given the commission's power to hear appeals and assess civil penalties.

**Category: Environment and Natural Resources**

## **Mining Safety Advisory Board**

**Statutory Reference:** Section 69-8-3 NMSA 1978 (Mining Safety Act)

**Organizational Status:** Advisory to state mine inspector at New Mexico institute of mining and technology.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Board proposes rules for adoption by state mine inspector.

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through institute; statutory per diem and mileage for nonstate members.

**Membership:** Thirteen members, of whom six represent industry, six are nonsupervisory production or maintenance employees and the director of the bureau of geology and mineral resources, who serves as chairman. Two members are appointed from each of the following industries: coal, copper, molybdenum, potash, sand and gravel and uranium. Appointed members are appointed by the governor for six-year terms. The state mine inspector and the secretary of energy, minerals and natural resources are nonvoting members of the board. The board shall hold two regular meetings each year in the second and fourth quarters; special meetings may be called by the governor, the chairman or any three members.

**Powers and Duties:** Section 69-8-4 NMSA 1978: formulate and propose general rules and reasonable safety and health standards for prevention of accidents and occupational diseases in every mine operated in the state; and may appoint special committees of employers, employees and experts to assist in development of rules. One set of standards and rules shall be adopted for the coal mining industry and one set for the non-coal mining industry.

**Duplication, Similarity or Connection with Other Agencies:** Bureau of mines and mineral resources at NMIMT

**Can Existing Agency Perform Function?** Unknown

**Category: Environment and Natural Resources**  
**Natural Lands Protection Committee**

**Statutory Reference:** Section 75-5-4 NMSA 1978 (Natural Lands Protection Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Secretary of energy, minerals and natural resources, who serves as chairman; director of the department of game and fish; commissioner of public lands; director of the department of agriculture; and three public members appointed by the governor, one of whom represents ranching and farming.

**Powers and Duties:** Section 75-5-4 NMSA 1978: recommend lands to be acquired under the provisions of the act and pay the state's share of acquisition.

**Duplication, Similarity or Connection with Other Agencies:** Energy, minerals and natural resources department

**Can Existing Agency Perform Function?** Energy, minerals and natural resources department

**Category: Environment and Natural Resources**  
**Oil Conservation Commission**

**Statutory Reference:** Section 70-2-4 NMSA 1978 (Oil and Gas Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy; has concurrent jurisdiction and authority with the oil conservation division. The director of the oil conservation division determines whether commission should hold a hearing on a matter.

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No; statute states "no salary or compensation", but is silent on per diem and mileage. If designees are state employees, presumably agency would pay per diem and mileage if necessary.

**Membership:** Director of the oil conservation division and designees of the commissioner of public lands and the secretary of energy, minerals and natural resources department. Designees must have expertise in the regulation of petroleum production. Terms are co-extensive with office of holder or, presumably, appointer.

**Other:** Commission has subpoena power.

**Powers and Duties:** Section 70-2-6 NMSA 1978: concurrent jurisdiction over matters under the act.

Section 70-2-8 NMSA 1978: subpoena power.

Section 70-2-11 NMSA 1978: power to prevent waste and protect correlative rights.

Section 70-2-13 NMSA 1978: review decisions of examiners de novo.

Section 70-2-25 NMSA 1978: hold hearings on commission orders or decisions.

Section 70-2-34 NMSA 1978: power to prevent waste of carbon dioxide gas.

Section 70-6-6 NMSA 1978: rules pertaining to oil and gas are applicable to underground storage of natural gas.

Chapter 71, Article 5 NMSA 1978: carry out concurrent duties with division pursuant to Geothermal Resources Conservation Act, including subpoena power.

**Duplication, Similarity or Connection with Other Agencies:** Oil conservation division

**Can Existing Agency Perform Function?** Perhaps not, given commission's power to review hearing decisions; commission has concurrent duties with division; subpoena power is given to commission.

**Category: Environment and Natural Resources**  
**Park and Recreation Advisory Committee, State**

**Statutory Reference:** Section 16-2-2 NMSA 1978

**Organizational Status:** Advisory to state parks division of the energy, minerals and natural resources department.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Seven to 11 members appointed by governor. Committee meets quarterly or at call of chairman. Division director serves as executive secretary.

**Powers and Duties:** Section 16-2-2 NMSA 1978: advise and make recommendations relating to the administration of the division and advise on all matters of policy, rules, the formulation of a comprehensive statewide recreation plan and other matters at the request of the director.

**Duplication, Similarity or Connection with Other Agencies:** State parks division

**Can Existing Agency Perform Function?** Division and department

**Category: Environment and Natural Resources**  
**Radiation Technical Advisory Council**

**Statutory Reference:** Section 74-3-2 NMSA 1978 (Radiation Protection Act)

**Organizational Status:** Advisory to environmental improvement board and department of environment.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Seven members appointed by the governor after consultation with the secretary for staggered five-year terms. Members must be individuals with scientific training in diagnostic radiology, radiation therapy, nuclear medicine, radiation or health physics or related sciences with specialization in radiation. In addition to regular members, the council consists of four additional members who sit as full council members on matters related to the Medical Radiation Health and Safety Act; those members are radiologic technologists appointed by governor for staggered five-year terms; appointments are from lists provided by a radiologic technologist organization in the state.

**Powers and Duties:** Section 74-3-3 NMSA 1978: advise department and board on technical matters relating to radiation.

Section 61-14E-5 NMSA 1978: advise and make recommendations to the environmental improvement board regarding Medical Radiation Health and Safety Act.

**Duplication, Similarity or Connection with Other Agencies:** Department of environment; environmental improvement board

**Can Existing Agency Perform Function?** Department and board

**Category:** Environment and Natural Resources

**Radioactive Waste Consultation Task Force**

**Statutory Reference:** Section 74-4A-6 NMSA 1978 (Radioactive and Hazardous Materials Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** Yes, in that congress allowed New Mexico to negotiate certain issues related to the waste isolation pilot project (WIPP), and the state decided on this approach.

**Senate Confirmation?** No

**Funding:** Federal funds

**Membership:** Secretaries of energy, minerals and natural resources; taxation and revenue; health and environment [sic; both secretaries serve]; public safety and highway and transportation. The chairman and vice chairman of the legislative committee are advisory members.

**Other:** Costs are paid by federal grant.

**Powers and Duties:** Section 74-4A-7 NMSA 1978: negotiate for the state with the federal government in all areas related to siting, licensing and operation of waste facilities; recommend legislation to implement state policies; identify impacts of facilities and disseminate that information; coordinate the investigations and studies; and meet regularly with the legislative committee.

Section 74-4A-8 NMSA 1978: make procedural rules; solicit and accept grants; make contracts; appoint a representative on any federal or state-federal task forces or work groups; and perform other acts necessary and proper.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** Current structure has been recognized by congress.

**Category: Environment and Natural Resources**

**Soil and Water Conservation Commission**

**Statutory Reference:** Section 73-20-28 NMSA 1978 (Soil and Water Conservation District Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory to department of agriculture and NMSU board of regents.

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect in general appropriation act; statutory per diem and mileage.

**Membership:** Seven continuing and five ex-officio members. The seven members are selected by and serve at the pleasure of the governor. Six continuing members are district supervisors selected and appointed from a panel of three candidates from each region, compiled by the districts of each region and presented by the president of the state association of soil and water conservation districts; one continuing member is selected at large as a person interested and active in conservation or development of natural resources in the state. Ex-officio members are the following or their designees: governor, associate director of the state cooperative extension service, associate director of the state agricultural experiment station, state conservationist of the U.S. department of agriculture and the president of the state association of soil and water conservation districts.

**Other:** Section 73-20-29 NMSA 1978 specifies that a quorum consists of a majority of continuing members; Attorney General Opinion 60-13 determined that quorums should include ex-officio members.

**Powers and Duties:** Section 73-20-31 NMSA 1978: advise department of agriculture in its duties pursuant to act; and, on its own initiative, may furnish advice and recommendations to the secretary concerning any matter that in its opinion has a significant impact on or otherwise substantially affects soil and water conservation.

Section 73-20-32 NMSA 1978: approve the creation of six soil and water conservation regions and assign current districts to one of the six geographical regions. Division and assignment may be amended from time to time with the consent of the commission.

Other sections of the act specify how the commission aids in the approval of districts and oversees elections.

**Duplication, Similarity or Connection with Other Agencies:** Department of agriculture, energy, minerals and natural resources department (where soil and water conservation division and commission used to reside)

**Can Existing Agency Perform Function?** Department of agriculture; perhaps energy, minerals and natural resources department

**Category: Environment and Natural Resources**  
**State Land Trusts Advisory Board**

**Statutory Reference:** Section 19-1-1.1 NMSA 1978

**Organizational Status:** Advisory to commissioner of public lands.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** State lands maintenance fund; statutory per diem and mileage.

**Membership:** Seven members appointed by commissioner with advice and consent of senate for six-year terms. Members should represent geographical balance and are selected as follows: two members represent beneficiaries; one member represents extractive industries; one member represents agricultural industries; one member represents conservation interests; and two members represent public at large. No more than four members shall belong to the same political party. Board is not paid for with general fund money. At least one meeting a year shall be held jointly with administrative heads of beneficiaries, at which meeting the commissioner shall discuss plans, goals, objectives, budget, revenue projections, asset management issues and other pertinent information.

**Other:** Board is not paid from state general fund.

**Powers And Duties:** Section 19-1-1.4 NMSA 1978: provide continuity for resource management; help commissioner understand and maintain highest standards for maximizing income from trust assets and protect and maintain assets and resources of trust; and review policies and practices of commissioner and advise on how they affect standards.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category: Environment and Natural Resources**  
**Storage Tank Committee**

**Statutory Reference:** Section 74-6B-4 NMSA 1978 (Ground Water Protection Act)

**Organizational Status:** Advisory to department of environment.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** Limited to conduct of the committee.

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Storage tank fund; statutory per diem and mileage.

**Membership:** Secretary of environment and six members appointed by and serving at the pleasure of the governor from the following: fire protection districts; elected local government officials; wholesalers of motor fuels; independent retailers of motor fuels; individuals knowledgeable about corrective actions in connection with leaking underground storage tanks; and private citizens or interest groups. Terms are three years, staggered.

**Powers and Duties:** Section 74-6B-4 NMSA 1978: recommend proposed rules to board or secretary; establish procedures, practices and policies governing its activities; review all proposed corrective action plans; and review proposed payments from the corrective action fund.

**Duplication, Similarity or Connection with Other Agencies:** Department of environment and environmental improvement board

**Can Existing Agency Perform Function?** Department and board

**Category: Environment and Natural Resources**  
**Tree Planting Advisory Committee**

**Statutory Reference:** Section 68-2-33 NMSA 1978 (New Mexico Forest Re-Leaf Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** State forester appoints the committee, including one member from the soil and water conservation commission, one member from the state association of soil and water conservation districts, two members from nonprofit environmental organizations dedicated primarily to protecting the environment and two members from the New Mexico association of nursery industries; other members may include representatives from the department of education, state universities, commission on higher education, local government division and other persons the state forester determines will assist the committee in performing its functions.

**Powers and Duties:** Section 68-2-33 NMSA 1978: meet at least twice a year to review the division's tree-planting programs; seek public input on division programs; and make recommendations to the division and the state forester on how best to achieve the purposes of the act and of the conservation planting revolving fund.

**Duplication, Similarity or Connection with Other Agencies:** Forestry division

**Can Existing Agency Perform Function?** Forestry division

**Category: Environment and Natural Resources**  
**Water Quality Control Commission**

**Statutory Reference:** Section 74-6-3 NMSA 1978 (Water Quality Act)

**Organizational Status:** Administratively attached to the department of environment. Section 74-6A-15 NMSA 1978 (Wastewater Facility Construction Loan Act) specifies that commission is an instrumentality of the state.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** Commission is the state water pollution control agency for New Mexico for all purposes of the federal act and of the wellhead protection and sole source aquifer programs of the federal Safe Drinking Water Act.

**Senate Confirmation?** No

**Funding:** General appropriation act; per diem and mileage for public members from budgeted funds of department of environment.

**Membership:** Secretary of environment; director of department of game and fish; state engineer; chairman of oil conservation commission; director of state parks division; director of department of agriculture; chairman of soil and water conservation commission; director of the bureau of mines and mineral resources; a municipal or county government representative; and three public members appointed by the governor for four-year terms. Members may not have significant income from permit holders or applicants and must file disclosure statements with the secretary of state.

**Other:** Section 9-7A-13 NMSA 1978 provides exemption from authority of secretary.

In exercise of its power or duties, commission shall act with independent legal advice.

**Powers And Duties:** Section 74-6-4 NMSA 1978: accept and supervise administration of loans and grants; adopt comprehensive water quality management program and develop continuing planning process; adopt water quality standards for surface and ground waters subject to the act; adopt rules to prevent or abate water pollution, and adopt rules regarding other issues, including new sewer systems, water contaminants and pre-treatment standards; assign responsibility for administering its regulations to constituent agencies; enter into agreements; grant individual variances from rules; coordinate application procedures and funding cycles; and not require permit for use of water in irrigated agriculture.

Section 74-6A-9 NMSA 1978: administer Wastewater Facility Construction Loan Act.

**Duplication, Similarity or Connection with Other Agencies:** Department of environment

**Can Existing Agency Perform Function?** Possibly department; however, may require federal concurrence.

**Category: Environment and Natural Resources**  
**Water Trust Board**

**Statutory Reference:** Section 72-4A-4 NMSA 1978 (Water Project Finance Act)

**Organizational Status:** Unspecified; New Mexico finance authority provides staff support.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Unspecified; statutory per diem and mileage.

**Membership:** Fifteen members as follows: state engineer or his designee, who shall be chairman; executive director of NMFA; secretary of environment or his designee; secretary of energy, minerals and natural resources or his designee; director of department of game and fish or his designee; director of department of agriculture or his designee; executive director of municipal league or his designee; executive director of association of counties or his designee; one public member appointed by the commission on Indian affairs; the president of the Navajo Nation or his designee; and five public members appointed by the governor and confirmed by the senate each of whom represents one of the following: (1) the environmental community; (2) an irrigation or conservancy district that uses surface water; (3) an irrigation or conservancy district that uses ground water; (4) acequia water users; and (5) soil and water conservation districts. Terms of public members appointed by the governor shall be for staggered four-year terms.

**Other:** Public members are appointed public officials while carrying out their duties and activities.

**Powers and Duties:** Section 72-4A-5 NMSA 1978: adopt rules governing terms and conditions of grants or loans recommended by the board for appropriation by the legislature; and authorize qualifying water projects to the authority.

**Duplication, Similarity or Connection with Other Agencies:** Department of environment; interstate stream commission; state engineer; department of agriculture; community development council; soil and water conservation districts and other water-related special districts; and NMFA.

**Can Existing Agency Perform Function?** Department of environment; community development council; and NMFA

**Category:** Environment and Natural Resources

**Weather Control and Cloud Modification Commission**

**Statutory Reference:** Section 75-3-13 NMSA 1978 (Weather Control Act)

**Organizational Status:** Unspecified; commission is responsible to NMIMT board of regents.

**Policy or Advisory?** Policy — power to raise and expend money.

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Three members appointed by the board of regents of New Mexico institute of mining and technology. Technical assistance, research, evaluation and advice to the commission is furnished by the institute at the direction of the board of regents.

**Powers And Duties:** Section 75-3-14 NMSA 1978: make rules to carry out the act; make field investigations and inspections; make periodic reports on weather control and cloud modification activities and evaluate the results of such activities; and make recommendations for legislation through the board of regents.

Other powers and duties specified in the act: take applications and charge a fee for licenses; and issue, refuse or revoke licenses.

**Duplication, Similarity or Connection with Other Agencies:** New Mexico state university has the office of state climatologist in the department of agriculture.

**Can Existing Agency Perform Function?** Office of state climatologist

**Category:** Environment and Natural Resources

**Youth Conservation Corps Commission, New Mexico**

**Statutory Reference:** Section 9-5B-5 NMSA 1978 (New Mexico Youth Conservation Corps Act)

**Organizational Status:** Administratively attached to EMNRD.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** New Mexico youth conservation corps fund; statutory per diem and mileage.

**Membership:** Nine members as follows: superintendent of public instruction; commissioner of public lands; secretary of energy, minerals and natural resources; secretary of youth authority [children, youth and families department]; and five members of general public appointed by governor to reflect geographic diversity, one of whom is knowledgeable about current policies of U.S. forest service and one of whom is Native American. Terms are three years staggered but public members serve at pleasure of governor. Vacancies must be filled within 60 days.

**Other:** Corps is funded through governmental gross receipts tax.

**Powers and Duties:** Section 9-5B-6 NMSA 1978: accept gifts, grants and donations; request assistance and staff support from department; employ personnel; delegate responsibility for administration and implementation of projects and other program matters; establish work camps and residential facilities; contact potential sponsors and funding sources; adopt rules to carry out act; administer and enforce act; develop and approve corps projects, activities and contracts; establish standards, procedures and policies for personnel matters involving corps members and others; foster partnerships and cooperation between corps and schools; and hire program manager.

**Duplication, Similarity or Connection with Other Agencies:** Energy, minerals and natural resources department administers fund, though vouchers are signed by commission chairman.

**Can Existing Agency Perform Function?** Department

**Category:** General Government

**Architect, Engineer, Landscape Architect and Surveyor Selection Committee**

**Statutory Reference:** Section 13-1-121 NMSA 1978 (Procurement Code)

**Organizational Status:** Unspecified; created by property control division for each capital project.

**Policy or Advisory?** Policy, in that it selects professionals for state public works contracts; selection committees change with projects.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department; statutory per diem and mileage.

**Membership:** Four members as follows: one member from agency for which the project is being designed; the director of property control division, who serves as chairman; one member designated by the architect-engineer-landscape architect joint practice committee; and one member designated by secretary of general services. Staff architect serves as staff to selection committee.

**Powers and Duties:** Section 13-1-120 NMSA 1978: evaluate statements of qualifications and performance data submitted by at least three businesses; may conduct interviews and require public presentations; select, ranked in order of qualifications, no less than three businesses deemed most highly qualified; and consider criteria specified in section, not including price.

**Duplication, Similarity or Connection with Other Agencies:** Similar to selection committees required by rule of the state highway and transportation department.

**Can Existing Agency Perform Function?** None noted

**Category:** General Government

**Automated Voter Records System Advisory Committee**

**Statutory Reference:** Section 1-5-27 NMSA 1978 (Automated Voter Records System Act)

**Organizational Status:** Advisory to secretary of state.

**Policy or Advisory:** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through secretary of state's office; statutory per diem and mileage.

**Membership:** Nine members as follows: director of the bureau of elections, who serves as chairman; two data processors; four county clerks selected from a list submitted by the recognized state association of county clerks; and two registered voters appointed by secretary of state. No more than four of the appointed members may be from the same political party. The secretary of state shall call no fewer than one meeting a year.

**Other:** Committee meets infrequently.

**Powers and Duties:** Section 1-5-28 NMSA 1978: assist secretary of state to establish policy and uniform procedure for implementation and operation of Automated Voter Records System Act; establish standardized computer inputs and outputs; functionally prove the adequacy of program records; create and administer tests for use in approval of data processors; and aid counties in the orderly transition to an automated system.

Section 1-5-29 NMSA 1978: each odd-numbered year, the committee reviews the certificate of registration and the automated voter records system format and makes recommendations for revisions to the secretary of state.

**Duplication, Similarity or Connection with Other Agencies:** Information technology management office

**Can Existing Agency Perform Function?** None noted

**Category: General Government**

**Canvassing Board, State**

**Statutory Reference:** Article 5, Section 2 of the constitution of New Mexico; Section 1-13-15 NMSA 1978

**Organizational Status:** N/A

**Policy or Advisory?** N/A

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No

**Membership:** Secretary of state, governor and chief justice.

**Powers and Duties:** Canvass and declare the results of an election.

Section 1-13-18 NMSA 1978: carefully examine all election returns and certificates issued by the county canvassing boards. If a discrepancy appears, the state canvassing board forwards such returns and certificates to the district court in which the precinct of the county canvassing board is situated.

**Duplication, Similarities or Connection with Other Agencies:** N/A

**Can Existing Agency Perform Function?** No

**Category:** General Government

**Capitol Buildings Planning Commission**

**Statutory Reference:** Section 15-10-1 NMSA 1978

**Organizational Status:** Intergovernmental agency

**Policy or Advisory?** Policy

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No

**Membership:** Nine members: four members of the legislature, two from each house appointed by the legislative council; the secretary of general services; the staff architect; the secretary of finance and administration or his designee; the chairman of the supreme court building commission or his designee; and the commissioner of public lands or his designee. The legislative council service provides staff for the commission in coordination with the staff of the general services department.

**Powers and Duties:** Section 15-10-1 NMSA 1978: study and plan for the long-range facilities needs of state government in Santa Fe. The commission shall review prior long-range facilities needs assessments and develop an initial master plan for the state facilities in Santa Fe and Albuquerque. The commission shall meet and report annually to the legislature on an annual update of the master plan for the long-range facilities needs of state government in Santa Fe and Albuquerque.

**Duplication, Similarity or Connection with Other Agencies:** Overlaps capital planning functions of property control division and supreme court building commission.

**Can Existing Agency Perform Function?** As intergovernmental agency, none noted.

**Category: General Government**

**Educational Retirement Board**

**Statutory Reference:** Section 22-11-3 NMSA 1978 (Educational Retirement Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = educational retirement fund.

**Membership:** Seven members as follows: superintendent of public instruction; state treasurer; one member elected for four-year term by association of educational retirees; one member elected for four-year term by the New Mexico education association; one member elected for four-year term by New Mexico members of American association of university professors; and two members appointed by governor for four-year terms.

**Other:** This is not a direct general fund agency; however, employee retirement is funded with public money.

**Powers and Duties:** Section 22-11-6 NMSA 1978: operate educational retirement association and carry out provisions of the Educational Retirement Act.

**Duplication, Similarity or Connection with Other Agencies:** Provides same services for educational retirees that PERA does for public employee retirees.

**Can Existing Agency Perform Function?** No, unless legislature wants to combine the two retirement associations.

**Category: General Government**

**Finance, State Board of**

**Statutory Reference:** Section 6-1-1 NMSA 1978

**Organizational Status:** Established in connection with board of finance division of DFA.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes, for public members.

**Funding:** General appropriation act; statutory per diem and mileage in division budget.

**Membership:** Seven members as follows: governor; lieutenant governor; state treasurer; and four members appointed by governor with advice and consent of senate, who serve two-year terms and no more than two of whom can be from same political party. Governor serves as president.

**Powers and Duties:** Section 6-1-1 NMSA 1978: generally supervise state's fiscal affairs and safekeeping and depositing of all money and securities belonging to or in custody of state; may make rules to carry out this section and various public money sections (Article 10); may request financial institutions division to make special examinations of state banks, trust companies and S&Ls; make investigations; and approve secretary's appointment of board of finance division director.

Section 6-1-2 NMSA 1978: may lend or grant emergency money to any state agency, board, commission, municipal corporation or other political subdivisions.

Section 6-1-3 NMSA 1978: may prescribe any loan terms and conditions it deems proper.

Section 6-1-7 NMSA 1978: adopt standards of stationery, office supplies and other equipment, and direct the transfer, temporarily or otherwise, of all unused stationery, office supplies and equipment from one agency to another.

Section 6-4-2.3 NMSA 1978: approve governor's transfer of general fund operating reserve.

Section 6-20-11 NMSA 1978: administrative duties pertaining to the Private Activity Bond Act.

Section 33-1A-5 NMSA 1978: approve lease of low-rent housing units constructed for correctional officers.

Section 41-5-25 NMSA 1978: approve investment of the patient's compensation fund.

Section 58-27-11 NMSA 1978: approve border authority acquisitions, sales and revenue bonds.

Section 74-6A-10 NMSA 1978: issue bonds pursuant to the Wastewater Facility Construction Loan Act.

**Duplication, Similarity or Connection with Other Agencies:** Connected with board of finance division; similarities with state investment office and state treasurer.

**Can Existing Agency Perform Function?** No

**Category: General Government**

## **Gaming Control Board**

**Statutory Reference:** Section 60-2E-5 NMSA 1978 (Gaming Control Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes, for public members.

**Funding:** General appropriation act; other state funds = gaming receipts.

**Membership:** Five members, all residents of New Mexico and citizens of the United States. The chairman of the state racing commission serves ex-officio. Four members are appointed by the governor with advice and consent of the senate:

(1) one who has a minimum of five years of previous employment in a supervisory and administrative position in a law enforcement agency;

(2) one who is a certified public accountant in New Mexico with at least five years' experience in public accountancy;

(3) one who is an attorney licensed in New Mexico; and

(4) one who is a public member who has knowledge and experience in business management and financing.

Appointed members of the board serve terms of five years. No member may serve more than two consecutive terms, or more than 10 years total.

**Powers and Duties:** Section 60-2E-7 NMSA 1978: implement the state's policy on gaming consistent with the provisions of the Gaming Control Act and all responsibilities assigned to it pursuant to that act, and have all the authority necessary to carry out those responsibilities. It may delegate authority to the executive director, but it retains accountability. It monitors all activity authorized in Indian gaming compacts. The board may issue subpoenas, impose civil fines, seize and impound property and grant testimonial immunity.

**Duplication, Similarity or Connection with Other Agencies:** Regulation and licensing department regulates the Bingo and Raffle Act; the lottery authority, an instrumentality of the state, regulates lottery activity.

**Can Existing Agency Perform Function?** To avoid duplicative administrative and management costs, legislature could consider having all gambling activities regulated by a single agency; legislature would determine whether that agency should be under the control of the governor or adjunct.

**Category:** General Government

**Governor's Residence Advisory Commission**

**Statutory Reference:** Section 15-3A-1 NMSA 1978

**Organizational Status:** Administratively attached to general services department.

**Policy or Advisory?** Unspecified

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department; statutory per diem and mileage.

**Membership:** Five members as follows: governor; secretary of general services; and three members appointed by governor from list of names submitted by the governor's mansion foundation. Terms are four years.

**Other:** Commission is not currently active.

**Powers and Duties:** Section 15-3A-2 NMSA 1978: plan, assemble, dispose and acquire furnishings, art, landscaping materials and plants and other decorations for public areas of governor's residence; monitor and report on maintenance needs to GSD and legislature; conduct detailed inventory and assessment at the beginning of each term and annually; develop statewide interest in the residence and enhance governor's ability to provide appropriate hospitality; use assistance of individuals, GSD, other state agencies and nonprofit corporations to carry out its duties; accept gifts, donations and bequests; and enter into public promotions and publish material it deems appropriate.

**Duplication, Similarity or Connection with Other Agencies:** Property control division of the general services department

**Can Existing Agency Perform Function?** Yes; however, it may be required by the state's agreement with the governor's mansion foundation.

**Category:** General Government

**Group Benefits Committee**

**Statutory Reference:** Section 10-7B-3 NMSA 1978 (Group Benefits Act)

**Organizational Status:** Advisory to risk management division.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No

**Membership:** Nine members as follows: one employee from each of the two largest state agencies, excluding state institutions of higher education, appointed by their secretaries; superintendent of insurance; director of state personnel office; executive secretary of PERA; chief financial officer of a state agency or institution, appointed by the governor; one employee of a local public body participating in the state group plan, appointed by the governor; and two public employees of state agencies other than those already represented on committee, appointed by the governor. Appointed members serve four-year terms.

**Powers and Duties:** Section 10-7B-4 NMSA 1978: review and advise director of risk management on all group benefits coverages included or to be included in the state group plan; on all professional, technical or consulting contracts; as to companies and agents to be selected to submit proposals; on rules relating to group benefits insurance and self-insurance; on guidelines establishing rates for and methods of rating participating state agencies and local public bodies; perform other duties and exercise other powers provided by law; and review matters specified in this section, which review by the committee preempts review of matters previously accorded to the advisory board.

Section 10-7B-5 NMSA 1978: approve director's apportionment of costs of benefits administration and other costs to participating entities and their employees.

**Duplication, Similarity or Connection with Other Agencies:** Risk management division

**Can Existing Agency Perform Function?** Division, without formalized advice

**Category:** General Government

**Historical Records Advisory Board, New Mexico**

**Statutory Reference:** Not statutory

**Organizational Status:** Advisory to state records center.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Board is result of federal grant and is supported by that grant.

**Senate Confirmation?** No

**Funding:** Federal funds, if any

**Membership:** State records administrator and six citizens.

**Powers and Duties:** Reviews requests for federal funds and grants from national historical publications and records commission.

**Duplication, Similarity or Connection with Other Agencies:** No

**Can Existing Agency Perform Function?** Not without change in federal grant

**Category: General Government**

**Indian Affairs, New Mexico Office of (Commission)**

**Statutory Reference:** Section 28-12-4 NMSA 1978

**Organizational Status:** Administratively attached to human services department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage in office budget.

**Membership:** Ten members, all New Mexico residents, consisting of three Pueblo Indians, three Navajo Indians, two Apache Indians and two non-Indians. Indian members may be appointed by the governor from lists of names submitted by the all Indian Pueblo council, the Jicarilla and Mescalero tribal councils and eastern Navajo tribal council. Members are appointed by the governor for staggered four-year terms or less so that the terms of three members expire on June 30 of each even-numbered year. Vacancies are filled by appointment by the governor for the unexpired term; appointments to fill vacancies or to succeed a member whose term has expired in the case of an Indian member shall be made from the same Indian tribe or Pueblo council that their predecessors were appointed from. The governor designates the chairman. If a member fails to carry out the duties of his office, any five commission members may recommend to the governor his removal and replacement.

**Powers and Duties:** Section 28-12-7 NMSA 1978: the commission is the coordinating agency for intergovernmental programs concerning tribal governments and the state. It investigates, studies, considers and acts upon the entire subject of Indian conditions and relations within the state, including problems of health, economy, education, legislation and local, state and federal government. It assists in setting the policy for, and acts as the clearinghouse for, state programs affecting Indian people of New Mexico; and holds hearings, investigates and confers with officials of local, state and federal agencies to secure intergovernmental cooperation. It may accept and receive gifts, funds, grants, bequests and devises and contract with public or private bodies.

**Duplication, Similarity or Connection with Other Agencies:** The legislature provides specific funds in the tourism department to promote tourism on Indian lands.

**Can Existing Agency Perform Function?** None noted

**Category:** General Government

## **Information Technology Commission**

**Statutory Reference:** Section 15-1C-4 NMSA 1978 (Information Technology Management Act)

**Organizational Status:** Commission manages the information technology management office, which is administratively attached to governor's office.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage in office's budget.

**Membership:** Thirteen members consisting of five members appointed by the governor, three from agencies whose primary funding is not from internal service funds; one staff member with telecommunications regulatory experience appointed by the chairman of the public regulation commission; two members representing education, one appointed by the commission on higher education and one appointed by the president of the state board of education; two members from the national laboratories; and three members appointed by the governor to represent the public, who have information technology and management experience, but who are not state employees and who do not have any financial interest in the state information systems or state contracts. The public members serve for staggered three-year terms. Additionally, the following advisory members may be appointed at the request of the commission: two members from the judicial information systems council appointed by the chairman of the council; two members from the house of representatives and two members from the senate, appointed by the New Mexico legislative council; and two members representing local governments, one appointed by the New Mexico association of counties and one appointed by the New Mexico municipal league.

**Powers and Duties:** Section 15-1C-5 NMSA 1978: adopt and promulgate rules for the state information architecture to implement the state strategic plan and other rules necessary for the administration of the Information Technology Management Act. The commission also conducts the affairs of the office, develops strategies for identifying and managing development projects that involve multiple agencies to ensure appropriate and timely resolution of system development problems, provides information technology planning guidelines for agency annual plans, updates the state strategic plan, identifies areas of noncompliance with the strategic plan and submits proposed rules to the information technology oversight committee for its review prior to adoption.

**Duplication, Similarity or Connection with Other Agencies:** The information systems division of the general services department operates the state's mainframe. The judicial branch has an information technology systems council.

**Can Existing Agency Perform Function?** Yes, information systems division

**Category: General Government**

**Investment Council, State**

**Statutory Reference:** Section 6-8-2 NMSA 1978

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes, public members.

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** Governor; state treasurer; commissioner of public lands; secretary of finance and administration; three public members appointed by governor with consent of senate; state investment officer; and chief financial officer of a state institution of higher education appointed by governor with advice and consent of senate. Governor is chairman. At least three governor-appointed members must be present to constitute a quorum. Governor-appointment members serve five-year terms, but may be removed for cause in same manner as regents.

**Powers and Duties:** Section 6-8-4 NMSA 1978: recommend to governor candidates for state investment officer; and determine officer's salary.

Section 6-8-5 NMSA 1978: review annual budget of investment office.

Section 6-8-7 NMSA 1978: adopt policy-making rules and resolutions; authorize purchases, sales, exchanges, investments and reinvestments of permanent fund; approve investment rules and resolutions; meet at least once a month with state investment officer; have access to all files and records of office; and may hire one or more investment management firms to advise it regarding council overall investment plan.

**Duplication, Similarity or Connection with Other Agencies:** Investment duties are similar to state treasurer. There may be other similarities with state board of finance and state treasurer.

**Can Existing Agency Perform Function?** Not if legislature wants more than one source to invest state money.

**Category: General Government**

## **Personnel Board**

**Statutory Reference:** Section 10-9-8 NMSA 1978 (Personnel Act)

**Organizational Status:** Administratively attached to general services department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; statutory per diem and mileage in office budget.

**Membership:** Five members appointed by governor and confirmed by senate for five-year terms. Members may not be state employees or officials or officer of a political organization.

**Powers and Duties:** Section 10-9-10 NMSA 1978: promulgate rules to carry out provisions of Personnel Act; hear appeals and make recommendation to employers; hire, with approval of governor, a director; review budget requests of office; make necessary investigations, studies and audits; make annual report; establish and maintain liaison with GSD; and represent public interest in the improvement of personnel administration.

**Duplication, Similarity or Connection With Other Agencies:** Each department (and some smaller agencies) also has personnel office; legislature may want to look further at individual offices to ensure duplication is held to minimum.

**Can Existing Agency Perform Function?** Maintenance of current merit system might be difficult without an oversight agency that is independent of agencies.

**Category:** General Government

**Private Equity Investment Advisory Committee**

**Statutory Reference:** Section 6-8-20 NMSA 1978

**Organizational Status:** Advisory to state investment council.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through state investment council; statutory per diem and mileage.

**Membership:** State investment officer; member of investment council appointed by governor; and three members qualified by pertinent experience appointed by governor. Members serve three-year terms; meet at call of chairman or state investment officer.

**Other:** Members are state employees for purposes of Tort Claims Act.

**Powers and Duties:** Section 6-8-20 NMSA 1978: review and make recommendations on private equity investments; advise council in matters and policies related to such investments; and establish policies for national, state and film private equity fund investments at least annually and make copies available.

**Duplication, Similarity or Connection with Other Agencies:** State investment council

**Can Existing Agency Perform Function?** The state investment council could perform functions.

**Category:** General Government

**Procurement Standards and Specifications Committee, State**

**Statutory Reference:** Section 13-1-162 NMSA 1978 (Procurement Code)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** No

**Federal Mandate:** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** State purchasing agent, who is chairman, and 11 members knowledgeable in procurement procedures, appointed by the secretary of general services with the approval of the governor as follows: one representative each of the state highway and transportation, health and environment [sic] and corrections departments; one elected county official or full-time county employee; one elected municipal official or full-time municipal employee; one elected district school board member or full-time school employee; two persons representing other state departments; and two persons from the private sector. Terms are coextensive with term of governor; local government members also must maintain office or position. State purchasing agent provides necessary staff.

**Other:** Department reports committee has been inactive for several years.

**Powers And Duties:** Section 13-1-163 NMSA 1978: prepare standards, specifications and list of acceptable brand-name items and seek the advice of state agencies and local public bodies to ascertain common and special requirements; develop model specifications; assist state purchasing agent in the preparation of rules; appoint ad hoc committees to study any commodity or commodity group; and make use of laboratories, engineering facilities and technical staff of any state department or agency, including educational institutions.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** N/A

**Category:** General Government

**Public Records, State Commission of**

**Statutory Reference:** Section 14-3-3 NMSA 1978 (Public Records Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; per diem and mileage not statutory.

**Membership:** Seven members as follows: secretary of state, secretary of general services, state law librarian, director of museum of New Mexico, state auditor, attorney general and recognized, professionally trained historian. The public member is appointment by the governor for a six-year term. It meets not less than four times a year. The state records administrator is required to attend all meetings.

**Powers and Duties:** Section 14-3-4 NMSA 1978: employ state records administrator; approve biennial budget; decide disagreements between administrator and state officials; determine records destruction; approve material loans; adopt rules; request designation of records liaison officers; and prepare annual report to governor.

Section 14-3-5 NMSA 1978: accept gifts, donations and loans.

**Duplication, Similarity or Connection with Other Agencies:** There is a connection with the state library.

**Can Existing Agency Perform Function?** There has been some interest in the executive and the legislature in merging the state library and the records center.

**Category: General Government**

## **Public Regulation Commission**

**Statutory Reference:** Article 11, Section 1 of the constitution of New Mexico; Section 8-8-3 NMSA 1978 (Public Regulation Commission Act)

**Organizational Status:** Constitutional agency

**Policy or Advisory?** Policy

**Rule-making Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act

**Membership:** Five members elected from districts as provided in the constitution and the Public Regulation Commission Apportionment Act who serve staggered four-year terms beginning on January 1 following their election. After serving two terms, members are ineligible until a full term has intervened.

Constitutionally, members are prohibited from accepting anything of value from a person or entity whose charges for services to the public are regulated by the commission.

**Powers and Duties:** Article 11, Section 2: chartering and regulating business corporations as provided by law; regulating public utilities, including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline companies, including telephone, telegraph and information transmission companies; insurance companies and others engaged in risk assumption; and other public service companies in such manner as the legislature shall provide.

Section 8-8-4 NMSA 1978: administer and enforce the laws with which it is charged; appoint and employ professional, technical and clerical staff; delegate authority to subordinates; retain competent attorneys to handle legal matters and represent the commission; organize its organizational units; issue orders; conduct research; conduct investigations; accept grants and donations; enter into contracts; adopt rules; and provide a toll-free telephone number.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category:** General Government

**Retiree Health Care Authority, Board of the**

**Statutory Reference:** Section 10-7C-6 NMSA 1978 (Retiree Health Care Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = retiree health care fund; statutory per diem and mileage.

**Membership:** Twelve members as follows: one member not employed by retiree health care employer, appointed by governor to serve at his pleasure; educational retirement director; one member selected by public school superintendent's association; one teacher selected by committee; one member who is eligible retiree selected by association of retired educators; executive secretary of PERA; one eligible retiree selected by retired public employees; one member of municipal government; state treasurer; and one state employee.

**Powers And Duties:** Operates retiree health care authority.

**Duplication, Similarity or Connection with Other Agencies:** Duplicates risk management division functions.

**Can Existing Agency Perform Function?** Yes, risk management division

**Category:** General Government

**Public Employees Retirement Board**

**Statutory Reference:** Section 10-11-130 NMSA 1978 (Public Employees Retirement Act)

**Organizational Status:** Independent

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = public employees retirement fund; statutory per diem and mileage.

**Membership:** Secretary of state; state treasurer; four members under a state coverage plan elected by members of that plan; four members under municipal coverage plan elected by members of that plan, to include one municipal member employed by a county; and two retired members elected by retired members.

**Powers and Duties:** Administer state retirement system acts.

**Duplication, Similarity or Connection with Other Agencies:** Educational retirement association

**Can Existing Agency Perform Function?** None noted

**Category:** General Government

**Risk Management Advisory Board**

**Statutory Reference:** Section 15-7-4 NMSA 1978

**Organizational Status:** Advisory to risk management division of general services department.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through risk management division; statutory per diem and mileage for nongovernmental members.

**Membership:** Nine members as follows: attorney general; superintendent of insurance; secretary of finance and administration; chief financial officer of public school district appointed by governor; an attorney named by the bar association president; director of legislative council service; chief financial officer of an institution of higher education appointed by the governor; insurance agent appointed by governor; and chief financial officer of local public body or chief administrator of an entity of a local public body appointed by governor. Nonstate members serve four-year terms.

**Powers and Duties:** Section 15-7-5 NMSA 1978: review specifications for insurance policies purchased by division; all professional service and consulting contracts; companies and agents to be selected to submit proposals; rules to be promulgated by division; form, purpose and content of certificates of coverage to be issued by division; and investments to be made by division.

**Duplication, Similarity or Connection with Other Agencies:** Similarity with other insurance provider boards, e.g., retiree health care authority and public school insurance authority.

**Can Existing Agency Perform Function?** Division without formalized advice

**Category: Health and Human Services**

**Adolescent Treatment Hospital Governing Board**

**Statutory Reference:** Section 23-9-5 NMSA 1978 (Adolescent Treatment Hospital Act)

**Organizational Status:** Advisory to secretary of health.

**Policy or Advisory?** Advisory — though name indicates governing authority, none is granted.

**Rulemaking Authority?** May adopt rules to carry out its duties and administer provisions of the Adolescent Treatment Hospital Act; however, administration and control of hospital is vested in secretary of health (Section 23-9-7 NMSA 1978).

**Federal Mandate?** The joint commission on accreditation of health facilities requires a governing board; members may be agency personnel.

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Five members appointed by secretary; no terms, as members serve at secretary's pleasure. Members must be familiar with the treatment and care of violent adolescents who are mentally disordered.

**Powers and Duties:** Section 23-9-5 NMSA 1978: advise the secretary on professional practices, community concerns and policies and procedures related to treatment of adolescents admitted to the hospital.

**Duplication, Similarity or Connection with Other Agencies:** Personnel of the department of health are the governing board.

**Can Existing Agency Perform Function?** Department

**Category: Health and Human Services**

**Adult Protective Services Advisory Board**

**Statutory Reference:** Section 27-7-18 NMSA 1978 (Adult Protective Services Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory to children, youth and families department [statute has not been amended since adult protective services was moved to CYFD from human services department by executive order].

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Nine members appointed by secretary of human services [children, youth and families]; at least four members are to be involved in the direct provision of adult protective services.

**Powers and Duties:** Section 27-7-18 NMSA 1978: provide continuing advice to the department concerning the protective services system.

**Duplication, Similarity or Connection with Other Agencies:** Children, youth and families department

**Can Existing Agency Perform Function?** Department without formalized advice

**Category:** Health and Human Services

**Aging, Advisory Committee to the State Agency on**

**Statutory Reference:** Section 28-4-9 NMSA 1978

**Organizational Status:** Advisory to state agency on aging.

**Policy or Advisory?** Policy-advisory

**Rulemaking Authority?** No

**Federal Mandate?** Yes, Older Americans Act of 1965

**Senate Confirmation?** No

**Funding:** Indirect through agency; statutory per diem and mileage.

**Membership:** Eleven members appointed by governor; appointments must conform to federal requirements regarding membership; members serve staggered four-year terms.

**Powers and Duties:** Unspecified; agency reports that the committee ratifies state agency plans.

**Duplication, Similarity or Connection with Other Agencies:** State agency on aging

**Can Existing Agency Perform Function?** Not without federal change

**Category: Health and Human Services**

**Air Transport Advisory Committee**

**Statutory Reference:** Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act)

**Organizational Status:** Subcommittee of statewide emergency medical services advisory committee.

**Policy or Advisory?** Unspecified

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department of health; statutory per diem and mileage to the extent that funds are available.

**Membership:** Unspecified

**Powers and Duties:** Unspecified

**Duplication, Similarity or Connection with Other Agencies:** EMS bureau of department of health. Emergency medical services has several committees; this is a subcommittee of an advisory committee.

**Can Existing Agency Perform Function?** Bureau

**Category: Health and Human Services**

**Blind, Commission for the**

**Statutory Reference:** Section 28-7-16 NMSA 1978 (Commission for the Blind Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No; authorized to receive and administer any federal funds relating to vocational rehabilitation of blind persons.

**Senate Confirmation?** Yes

**Funding:** General appropriation act

**Membership:** Three members, at least one of whom is blind, appointed by governor with advice and consent of senate. Members serve staggered six-year terms.

**Powers and Duties:** Section 28-7-17 NMSA 1978: apply for and receive money; maintain complete register of blind persons in state, specifying nature and cause of blindness, capacity and need for educational or industrial training and other pertinent information; maintain bureaus of information and industrial assistance to help blind people find employment, train them in work that can be pursued in their own homes and assist in merchandising and marketing their goods; establish, equip and maintain a center with qualified instructors for vocational, industrial and other training of eligible blind people; research and study causes of blindness and its prevention; cooperate with appropriate state agencies in adoption and carrying out of preventive measures relating to blindness; promulgate rules; and publish annual report.

Section 28-7-18 NMSA 1978: appoint director who employs other staff.

Section 28-7-19 NMSA 1978: determine procedure for examinations to establish blindness and maintain list of ophthalmologists.

Section 28-7-20 NMSA 1978: arrange and pay for examinations to determine blindness; and arrange and pay for medical and surgical treatment of blind people.

Section 28-7-23 NMSA 1978: hold hearings for persons applying for or receiving services; and adopt rules to govern conduct of hearings.

Section 22-14-28 NMSA 1978: prescribe rules and administer the vending stand program.

**Duplication, Similarity or Connection with Other Agencies:** There may be some overlap with vocational rehabilitation division and school for the blind.

**Can Existing Agency Perform Function?** Possibly not; this commission operates programs, which makes it different from other advocacy boards.

**Category: Health and Human Services**

**Brain Injury Advisory Council**

**Statutory Reference:** Section 24-20-3 NMSA 1978

**Organizational Status:** Staff and administrative support by DDPC or other agency as assigned by governor. Currently, support is provided by DDPC.

**Policy or Advisory?** Advisory to developmental disabilities planning council, governor, legislature and state agencies.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through DDPC; statutory per diem and mileage.

**Membership:** Between 18 and 24 members appointed by governor, including survivors of brain injuries, family members of persons with brain injuries and health care professionals and other representatives of private organizations and state agencies that provided services and support persons with brain injuries. Members serve staggered three-year terms.

**Powers and Duties:** Section 24-20-3 NMSA 1978: study and make recommendations to DDPC, etc., concerning case management, community support systems, long-term care, employment, emergency medical services, rehabilitation and prevention and the improvement and coordination of state activities relative to concerns of persons with brain injuries and their families or other care givers; and advise appropriate state agencies and private organizations on development of services and supports that meet the needs of persons with brain injuries.

**Duplication, Similarity or Connection with Other Agencies:** Similarity with missions of developmental disabilities planning council, governor's committee on concerns of handicapped, department of health, vocational rehabilitation division of department of education, possibly health policy commission.

**Can Existing Agency Perform Function?** Yes, see above

**Category: Health and Human Services**

## **Child Development Board**

**Statutory Reference:** Section 32A-16-3 NMSA 1978

**Organizational Status:** Unspecified; office of child development is in the children, youth and families department, but the board makes recommendations to both the office and the state board of education.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; statutory per diem and mileage.

**Membership:** Seven members appointed by governor, no more than four of whom shall be affiliated with same political party. Members must have knowledge and experience in early childhood development and education. Members serve staggered four-year terms.

**Powers and Duties:** Section 32A-16-4 NMSA 1978: recommend to secretary the hiring of the director of child development; adopt licensure requirements, policies and procedures for people working in licensed or registered health facilities with children from birth to age five; make recommendations to state board of education regarding additional licensure requirements for public school personnel working with public school children to age eight; work with other state agencies to promote a uniform and comprehensive method of licensing child care personnel; adopt policies and procedures for office of child development of CYFD; develop levels of licensure for nonpublic school personnel; work with department of health to develop levels of licensure for nonpublic school personnel for developmentally delayed children; adopt program criteria for state-funded preschool programs; and work with other agencies to monitor implementation of state-funded preschool program criteria.

**Duplication, Similarity or Connection with Other Agencies:** CYFD has several boards that advise or oversee department functions.

**Can Existing Agency Perform Function?** Yes, CYFD, SDE, department of health and other agencies responsible for children's issues, as appropriate.

**Category:** Health and Human Services

**Children, Youth and Families Advisory Committee**

**Statutory Reference:** Section 9-2A-12 NMSA 1978 (Children, Youth and Families Department Act)

**Organizational Status:** Advisory to children, youth and families department.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; statutory per diem and mileage.

**Membership:** Eleven members appointed by governor who have demonstrated interest and involvement in children, youth and family services, particularly those services and programs administered or funded by department. Members must provide adequate representation of ethnic groups and geographic areas of the state. At least two members shall be parents who are recipients of department services and at least two members shall be youths between 16 and 21 years of age.

**Powers and Duties:** Section 9-2A-12 NMSA 1978: assist in development of policies and procedures for department.

**Duplication, Similarity or Connection with Other Agencies:** This department has several advisory committees, e.g., interagency coordinating group, child development board, children's trust fund board, juvenile justice advisory committee (required by federal law) and juvenile community corrections review panel.

**Can Existing Agency Perform Function?** Department could develop its own policies and procedures; there are several other topical advisory committees (see above).

**Category: Health and Human Services**

**Children's Trust Fund Board of Trustees**

**Statutory Reference:** Section 24-19-5 NMSA 1978 (Children's Trust Fund Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Unspecified; appears to have more than simply advisory duties. Statute is to HSD, but was moved to CYFD by executive order.

**Rulemaking Authority?** No; department promulgates rules for board approval.

**Federal Mandate?** No; but federal law provided incentives for the creation of trust funds.

**Senate Confirmation?** Yes

**Funding:** No direct appropriation; statutory per diem and mileage.

**Membership:** Nine members, not state employees, knowledgeable in area of children's programs, appointed by governor with advice and consent of senate; at least two members must be individuals of recognized standing in field of children's services. Terms are for four years.

**Other:** Section 24-19-8 NMSA 1978 provides that human services department provide necessary technical and clerical assistance; that duty has been taken over by CYFD.

**Powers and Duties:** Section 24-19-7 NMSA 1978: meet at least four times a year to review proposals submitted to the department and take all action necessary or proper for administration of the Children's Trust Fund Act; and approve or disapprove each proposal submitted and base its decision on merit and feasibility, best interest of proposal beneficiaries and capacity of the project's success for evaluation.

**Duplication, Similarity or Connection with Other Agencies:** Children, youth and families department

**Can Existing Agency Perform Function?** Probably not without a change in the federal program.

**Category:** Health and Human Services

**Deaf and Hard-of-Hearing Persons, Commission for**

**Statutory Reference:** Section 28-11B-1 NMSA 1978

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** Seven members, a majority of whom must be deaf or hard of hearing, appointed by governor without regard for party affiliation, with advice and consent of senate. Terms are six years. Appointments include president of NM association for the deaf; superintendent of school for deaf; parent of deaf or hard-of-hearing child; director of vocational rehabilitation division; professional person who is deaf or hard-of-hearing; and one deaf or hard-of-hearing person who resides in southern New Mexico and one from northern New Mexico.

**Powers and Duties:** Section 28-11B-2 NMSA 1978: supervise activities of staff; identify needs of deaf and hard-of-hearing population; provide educational assistance to state agencies and ensure compliance with ADA; coordinate with state agencies providing services for deaf and hard of hearing; advocate for equal access to services and opportunities for deaf and hard of hearing; provide continuing education services to deaf and hard of hearing; assist in establishment of statewide interpreter referral service; review and coordinate certification and evaluation processes for interpreters; convene at least four times a year in varying locations; and submit reports on its work.

Section 28-11B-4 NMSA 1978: may appoint task forces.

**Duplication, Similarity or Connection with Other Agencies:** There are several boards, commissions, councils and committees that deal with disabled populations, either as a whole or selectively.

**Can Existing Agency Perform Function?** It is possible that functions of several boards could be combined.

**Category:** Health and Human Services

**Developmental Disabilities Planning Council**

**Statutory Reference:** Section 28-16A-4 NMSA 1978 (Developmental Disabilities Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Unspecified

**Federal Mandate?** Section 28-16A-4 NMSA 1978 provides that DDPC is created in accordance with federal law.

Section 28-16A-7 NMSA 1978: statewide needs assessment was required by federal law; however, compiler's note indicates sections were omitted from the USC in general revision by P.L. 98-527.

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** No fewer than 18 members, at least half of whom are people with developmental disabilities or parents, relatives or guardians of people with developmental disabilities. Membership includes secretary of health; secretary of human services; secretary of children, youth and families; director of state agency on aging; two directors from department of education, including vocational rehabilitation division; director of state protection and advocacy system; representatives of institutions of post-secondary education; representatives of each program established with institutions of post-secondary education pursuant to federal act; and representatives of local government agencies, nongovernment agencies or nonprofit groups concerned with services to the disabled, including a service provider. Members are appointed by governor for three-year terms.

**Other:** Federal law requires that for every agency person on the council there must be a citizen. Council employs executive director; director employs other necessary staff.

**Powers and Duties:** Section 28-16A-5 NMSA 1978: act as planning and coordinating body; provide statewide systems advocacy; work with appropriate state agencies to develop the developmental disabilities three-year plan as required by federal law; monitor and evaluate implementation of the plan; review and comment on all state plans that relate to programs affecting people with developmental disabilities; submit periodic reports to the federal department of health and human services through office of governor; advise governor and legislature about needs of developmentally disabled; carry out other activities authorized or required by federal law; award grants and enter into contracts; seek funding from sources other

than state; create and support regional, county or local advisory councils; and provide training to persons with developmental disabilities, their families and providers of support and services through traineeships, sponsoring training opportunities and other means.

Section 28-16A-7 NMSA 1978: pursuant to federal law (section omitted in 1984 law) conduct needs assessment of persons with developmental disabilities to: determine number residing in state; range and degree of severity of disabilities; present placement and support and services being received; and needs for support and services and extent that their needs are unserved or underserved. Assessment is required to be repeated every two years.

Section 28-16A-8 NMSA 1978: coordinate, review and comment on plans for services to developmentally disabled developed by all major state agencies providing funding services, including DOH, HSD, SDE, DVR, CYFD, school for the deaf and school for the visually handicapped.

Section 28-16A-9 NMSA 1978: provide information and referral services to persons with disabilities, families and providers.

Section 28-16-15.2 NMSA 1978: cooperate with DOH and HSD to provide data to support an amendment to DD medicaid waiver program to increase number of eligible people served; develop contingency plan to describe role and control the growth of intermediate care facilities for mentally retarded; and develop flexibility in system of prioritization for admission to allow persons to move within service system to an appropriate level of service. [*Section needs to be repealed or recompiled since all other sections have been replaced by Article 16A NMSA 1978.*]

Sections 28-18-1 and 28-18-2 NMSA 1978: department of health is the designated state agency to cooperate with federal government in the administration of the federal Individuals with Disabilities Education Act (early intervention).

**Duplication, Similarity or Connection with Other Agencies:** Parts of mission are duplicated or similar to governor's committee on concerns of the handicapped; brain injury task force; vocational rehabilitation division; department of health; human services department; children, youth and families department; school for visually handicapped; commission for the blind; school for deaf; commission on deaf and hard-of-hearing persons; and protection and advocacy system.

**Can Existing Agency Perform Function?** May depend on changes in federal law.

**Category: Health and Human Services**

**DWI Grant Council**

**Statutory Reference:** Section 11-6A-4 NMSA 1978 (Local DWI Grant Program Act)

**Organizational Status:** Unspecified; local government division serves as staff.

**Policy or Advisory?** Policy

**Rulemaking Authority?** No; rulemaking authority resides with local government division, "with advice and approval of the council".

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through local government division; statutory per diem and mileage.

**Membership:** Seven members as follows: president of NM municipal league; president of NM association of counties; secretary of health; secretary of finance and administration; chief of traffic safety bureau; and two representatives of local governments appointed by governor to two-year terms to provide geographic diversity. Council meets as necessary.

**Powers and Duties:** Section 11-6A-3 NMSA 1978: council awards grants pursuant to the advice and recommendations of the division.

**Duplication, Similarity or Connection with Other Agencies:** Local government division, community development council, department of health

**Can Existing Agency Perform Function?** Yes

**Category: Health and Human Services**

**Emergency Medical Services Advisory Committee, Statewide**

**Statutory Reference:** Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act)

**Organizational Status:** Advisory to emergency medical services bureau of the department of health.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No, but federally funded through preventive health block grant.

**Senate Confirmation?** No

**Funding:** Indirect through department of health; statutory per diem and mileage to the extent that funds are available.

**Membership:** Number unspecified, but includes representatives from state medical society, state EMTs association, state firefighters' association, EMS regional offices and other interested provider and consumer groups. Secretary of health appoints.

**Powers and Duties:** Section 24-10B-7 NMSA 1978: establish appropriate subcommittees, including a trauma advisory committee and an air transport advisory committee.

**Duplication, Similarity or Connection with Other Agencies:** Emergency medical services has several organizations that oversee various aspects of the field; this appears to be a significant committee.

**Can Existing Agency Perform Function?** Unknown; possibly bureau without formalized advice.

**Category: Health and Human Services**

**Emergency Medical Services, Joint Organization on Education in**

**Statutory Reference:** Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Unspecified; department reports policy.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department of health; statutory per diem and mileage to the extent that funds are available.

**Membership:** Directors and medical directors of the academy and each approved EMS training program; state EMS medical director and the bureau chief, who are nonvoting; and three persons who instruct EMTs, one at each level of life support, who are appointed by secretary from a list proposed by statewide EMS advisory committee.

**Powers and Duties:** Section 24-10B-7 NMSA 1978: develop minimum curricula content for approved training programs; establish minimum standards for approved training programs; review and approve applications for becoming an approved training program; and develop minimum qualifications for and maintain list of instructors for each approved training program.

**Duplication, Similarity or Connection with Other Agencies:** Emergency medical services has several organizations that oversee various aspects of the field.

**Can Existing Agency Perform Function?** Unknown; possibly universities or bureau without formalized advice.

**Category:** Health and Human Services

**Emergency Medical Services Licensing Commission**

**Statutory Reference:** Section 24-10B-5.1 NMSA 1978 (Emergency Medical Services Act)

**Organizational Status:** Unspecified; staff provided by the primary care and emergency medical services bureau.

**Policy or Advisory?** Unspecified; department reports the commission is policy and oversight.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department of health; statutory per diem and mileage.

**Membership:** One lay person; three EMTs, one from each level of life support; and three physicians, at least two of whom have expertise in emergency medicine and who are appointed from a list proposed by NM chapter of American college of emergency physicians. Commission reflects geographic diversity and both public and private interests. Members serve staggered three-year terms. Meets as needed, but not less than semiannually.

**Powers and Duties:** Section 24-10B-5.1 NMSA 1978: duties and procedures are delineated in rules promulgated by the department of health, including: providing a forum for receipt of public comment regarding EMS licensing matters; oversight of bureau's licensure functions; receiving complaints, directing investigations and authorizing initiation of actions by bureau regarding contemplated refusal to grant initial licensure and for disciplinary actions against licensees; and granting of waivers of rules pertaining to license renewal.

**Duplication, Similarity or Connection with Other Agencies:** Emergency medical services has several organizations that oversee various aspects of the field.

**Can Existing Agency Perform Function?** Unknown; possibly bureau without formalized advice.

**Category: Health and Human Services**

**Food Service Sanitation Advisory Council**

**Statutory Reference:** Section 25-1-6 NMSA 1978 (Food Service Sanitation Act)

**Organizational Status:** Existence is discretionary with secretary of environment.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No

**Membership:** Number unspecified; consists of food service technicians.

**Other:** Council has not been in existence since late 1980s.

**Powers and Duties:** Section 25-1-6 NMSA 1978: assist in carrying out objectives of Food Service Sanitation Act.

**Duplication, Similarity or Connection with Other Agencies:** N/A

**Can Existing Agency Perform Function?** N/A

**Category:** Health and Human Services

**Handicapped, Governor's Committee on Concerns of the**

**Statutory Reference:** Section 28-10-1 NMSA 1978

**Organizational Status:** Administratively attached to department of finance and administration.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No. Designated state agency for handling federal handicapped programs, except as otherwise provided by law. Committee may enter into contracts and agreements with federal agencies that do not conflict with existing programs of other state agencies.

**Senate Confirmation?** No

**Funding:** General appropriation act; per diem and mileage not statutory.

**Membership:** Thirteen members, nine of whom are appointed by governor; other four are director of vocational rehabilitation division of the department of education, director of employment services division of human services department [sic; member is now from labor department], director of behavioral health services division of the department of health and the director of the social services division of the human services department [sic; member is now from adult protective services bureau of children, youth and families department]. Appointed terms are six years; appointed members must be from different geographic areas and from major handicapped services; and appointed members include handicapped persons, representatives of government, private enterprise, parents or guardians and professionals in services for handicapped. Not more than five of appointed members may be from same political party. Committee must meet at least twice a year.

**Powers and Duties:** Section 28-10-1 NMSA 1978: primarily concerned with those handicapped individuals who have a disability or condition that, regardless of physical or mental origin, constitutes a substantial occupational disadvantage.

Section 28-10-2 NMSA 1978: establish and maintain comprehensive statewide program designed to encourage and promote attention to concerns of training and employment of handicapped persons; cooperate with president's committee on employment of handicapped and other federal efforts; cooperate with employers and training leaders; encourage and assist in organization and operation of committees at community level; assist state, local and federal agencies in coordination of activities; enter into agreements; inform handicapped job seekers of specific facilities available to them; conduct educational programs via publications and other means; promote the elimination of architectural barriers in public construction; make rules; designate standing subcommittees related to state planning, community organization, public

relations and information, legislative action, federal coordination, state coordination, youth, medical rehabilitation, employers and awards; designate special subcommittees; give advice and testimony; and establish and administer a residential accessibility modification program to assist low-income handicapped persons.

Section 28-10-3.1 NMSA 1978: design and produce a decal for display in full-service gasoline stations for service to handicapped.

**Duplication, Similarity or Connection with Other Agencies:** There are several government structures providing duplicative or similar services to handicapped citizens: vocational rehabilitation division of department of education; developmental disabilities planning council; brain injury task force; commission for blind; commission for deaf and hard-of-hearing persons; human services department; department of health; and property control division (for committee's barrier removal and ADA function).

**Can Existing Agency Perform Function?** Yes, see above

**Category: Health and Human Services**  
**Handicapped, Advisory Council on Concerns of**

**Statutory Reference:** Section 28-10-4 NMSA 1978

**Organizational Status:** Advisory to governor's committee on concerns of the handicapped.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Number unspecified; representatives of state agencies and individuals; appointed by committee.

**Other:** Council is not currently constituted. Committee and staff create advisory councils when needed for special projects.

**Powers and Duties:** Section 28-10-4 NMSA 1978: meet at call of chairman; and make recommendations to governor's committee for improvement and coordination of state activities relative to concerns of handicapped.

**Duplication, Similarity or Connection with Other Agencies:** Yes, see note at governor's committee.

**Can Existing Agency Perform Function?** Yes, see note at governor's committee.

**Category: Health and Human Services**

**Health Information Alliance**

**Statutory Reference:** Section 24-14A-3.2 NMSA 1978 (Health Information System Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Broadly representative of public and private entities interested in gathering, sharing and evaluating health information and advising the commission on the design of the health information system. Required to report August 1, 1994 and every six months after on progress in developing an integrated health information network.

**Powers and Duties:** Section 24-14A-3.2 NMSA 1978: assist commission in applying for grants to establish and maintain a comprehensive integrated health information system; develop a conceptual strategic plan for coordinated and integrated statewide health information network; advise commission on technical development of health information network; assist in modeling for collecting, organizing, processing, analyzing and disseminating health information; serve as neutral forum for creative and collaborative exploration of solutions to health information needs; assist in identifying and applying for potential funding sources for the development of the network and the health information alliance; and identify, prioritize and formulate recommendations for funding software and hardware technology and models to address short- and long-term health information needs of state.

**Duplication, Similarity or Connection with Other Agencies:** Department of health, information systems division of GSD, information technology management office

**Can Existing Agency Perform Function?** As noted above

**Category:** Health and Human Services

**Health Information System Advisory Committee**

**Statutory Reference:** Section 24-14A-3.1 NMSA 1978 (Health Information System Act)

**Organizational Status:** Advisory to health policy commission.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through health policy commission; statutory per diem for nongovernment voting members.

**Membership:** Representatives of private and public data sources; consumers; state agencies that deliver or pay for health care; and professionals with expertise in areas such as epidemiology, health economics, health care financing and information systems. Members are appointed by commission.

**Powers and Duties:** Section 24-14A-3.1 NMSA 1978: develop recommendations on specific data elements and their data sources; an appropriate procedure for processing non-aggregate data for public information; criteria and procedures to assess costs and benefits of collecting and submitting data and criteria to determine when data sources need not provide data or furnish it in alternate form; and common definition of "proprietary" for all data sources.

**Duplication, Similarity or Connection with Other Agencies:** Department of health, information systems division of GSD, information technology management office

**Can Existing Agency Perform Function?** As noted above

**Category: Health and Human Services**

**Health Policy Commission, New Mexico**

**Statutory Reference:** Section 9-7-11.2 NMSA 1978 (Department of Health Act)

**Organizational Status:** Administratively attached to DFA.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; statutory per diem and mileage for commission members included in operating budget.

**Membership:** Eight members appointed by governor with advice and consent of senate to reflect ethnic, economic, geographic and professional diversity. Members may not have pecuniary or fiduciary interest in health services industry for three years preceding appointment. Terms are for three years. Commission meets at call of chairman at least quarterly. Commission may establish task forces.

**Powers and Duties:** Section 9-7-11.2 NMSA 1978: appoint task forces; develop a plan for and monitor implementation of state's health policy; obtain and evaluate information pertaining to health policy, availability and accessibility of services and health personnel; perform needs assessments; prepare, publish and distribute annual report; establish process to make priority recommendations on program development, resources allocation and proposed legislation; provide information and analysis on health issues; serve as catalyst and synthesizer of health policy; and respond to requests by executive and legislature.

Section 24-14A-3 NMSA 1978: administer provisions of the Health Information System Act.

**Duplication, Similarity or Connection with Other Agencies:** Health policy commission has taken over many of the functions of the department of health's old health planning division; department still includes planning.

**Can Existing Agency Perform Function?** Department of health

**Category: Health and Human Services**

**Human Rights Commission**

**Statutory Reference:** Section 28-1-3 NMSA 1978 (Human Rights Act)

**Organizational Status:** Administratively attached to labor department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** No; secretary of labor promulgates rules.

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; statutory per diem and mileage included in operating budget.

**Membership:** Eleven members appointed by governor with advice and consent of senate for four-year terms; not more than six from same political party; not more than one member from any one county. Governor designates chairman.

**Other:** A 1994 amendment to the Human Rights Act allows the human rights division hearing officer to augment the efforts of the commission by holding hearings concerning alleged discrimination.

Commission has subpoena power.

**Powers and Duties:** Section 28-1-4 NMSA 1978: hear complaints and issue orders, including cease and desist orders concerning alleged unlawful discriminatory practice; hold hearings, subpoena witnesses and compel their attendance; administer oaths and take testimony under oath; and order depositions and require production for examination of any evidence.

**Duplication, Similarity or Connection with Other Agencies:** Human rights division

**Can Existing Agency Perform Function?** Yes, human rights division. Commission has a tremendous backlog of cases because of difficulty getting three commissioners to travel and spend time to hear cases in community where alleged conduct occurred. Having staff hearing officers, similar to other departments, would expedite cases.

**Category:** Health and Human Services

**Income Support Division Advisory Board**

**Statutory Reference:** Section 9-8-11 NMSA 1978 (Human Services Department Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; statutory per diem and mileage.

**Membership:** Unspecified

**Other:** Department reports board has not functioned since department of welfare.

**Powers and Duties:** Unspecified

**Duplication, Similarity or Connection with Other Agencies:** Income support division

**Can Existing Agency Perform Function?** Yes, functions apparently are being performed by division.

**Category:** Health and Human Services

**Interagency Coordinating Group  
(for Children, Youth and Families Department)**

**Statutory Reference:** Section 9-2A-13 NMSA 1978 (Children, Youth and Families Department Act)

**Organizational Status:** Interagency group

**Policy or Advisory?** Advisory to children, youth and families department.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No

**Membership:** Secretaries of finance and administration, health, human services and labor; superintendent of public instruction; chairman of legislative health and human services committee; and member of governor's office.

**Powers and Duties:** Section 9-2A-13 NMSA 1978: assist secretary of children, youth and families and the children, youth and families advisory committee in planning coordination of services.

**Duplication, Similarity or Connection with Other Agencies:** Arguably, the cabinet is supposed to ensure coordination of services.

**Can Existing Agency Perform Function?** The department could function without the coordinating group; other departments do not have such groups.

**Category:** Health and Human Services

**Long-Term Care, Interagency Committee on**

**Statutory Reference:** Section 24-17A-3 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No

**Membership:** Eight members, consisting of the heads of the following agencies or their designated representatives: state agency on aging; human services department; department of health; children, youth and families department; labor department; governor's committee on concerns of the handicapped; developmental disabilities planning council; and insurance division of the public regulation commission.

**Powers and Duties:** Section 24-17A-3 NMSA 1978: design and implement a coordinated service delivery system that fulfills the legislative mandate to develop a coordinated long-term care system.

Section 24-17A-5 NMSA 1978: the chairperson presents a report to the legislature on the progress of the committee and the status of the coordinated service delivery system. The report includes conclusions and recommendations to further the work of the interagency committee on long-term care and to complete the process of integrating the service delivery system in the state.

**Duplication, Similarity or Connection with Other Agencies:** None noted as this is interagency coordinating committee.

**Can Existing Agency Perform Function?** No

**Category: Health and Human Services**

**Medicaid Advisory Committee**

**Statutory Reference:** Not statutory

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** Yes; required by health care financing administration regulations (CFR 431.12).

**Senate Confirmation?** No

**Funding:** No

**Membership:** Physicians and other representatives of health professions familiar with medical needs of low-income population groups and the resources available and required for their care; members of consumers' groups, including medicaid recipients; and secretary of health. Appointed by secretary of human services.

**Powers and Duties:** Participate in policy development and program administration.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** Not without federal change

**Category: Health and Human Services**

**Medical Direction Committee**

**Statutory Reference:** Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act)

**Organizational Status:** Advisory to injury prevention and EMS bureau of department of health.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department of health; statutory per diem and mileage to extent funds are available.

**Membership:** State EMS medical director serves as chairman; others include a physician experienced in pre-hospital medical care selected from list proposed by the NM chapter of the American college of emergency physicians; physician from EMS academy; physician from each of the EMS geographic regions; and one EMT at each level of life support. Members are selected to represent both public and private interests.

**Powers and Duties:** Section 24-10B-7 NMSA 1978: advise bureau on matters relating to medical control and medical direction; review medical appropriateness of all rules proposed by bureau; review and approve applications of providers for special skills authorizations; assist in development of rules pertaining to medical direction; and update at least annually a list of skills, techniques and medications approved for use at each level of life support that will be approved by secretary and issued by bureau.

**Duplication, Similarity or Connection with Other Agencies:** Emergency medical services has several organizations that oversee various aspects of the field.

**Can Existing Agency Perform Function?** None noted

**Category:** Health and Human Services

**Medical Investigators, Board of**

**Statutory Reference:** Section 24-11-1 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy for office of medical investigator.

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; office is line item in university of New Mexico budget; statutory per diem and mileage.

**Membership:** Dean of medical school, secretary of health, chief of state police and chairman of the state board of thanatopractice.

**Powers and Duties:** Section 24-11-2 NMSA 1978: meet at least annually and as often as necessary; formulate broad policy for operation of the office of the state medical investigator and the offices of the district medical investigators; and employ and fix compensation of state medical investigator who shall be assigned to medical school.

**Duplication, Similarity or Connection with Other Agencies:** No

**Can Existing Agency Perform Function?** No

**Category: Health and Human Services**

**Miners' Hospital of New Mexico, Board of Trustees of the**

**Statutory Reference:** Article 14, Section 1 of the constitution of New Mexico; Section 23-3-2 NMSA 1978.

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Senate Confirmation?** Yes

**Funding:** General appropriation act; other state funds = land grant funding; statutory per diem and mileage.

**Federal Mandate?** Yes, in the sense that the state accepted the conditions of the Enabling Act and confirmed miners' hospital in the constitution.

**Membership:** Five members appointed by governor with advice and consent of senate. One member is a physician, two members are miners and two members represent the public. Members serve staggered five-year terms.

**Other:** Hospital is a state land and permanent fund institution and does not receive general fund appropriations.

**Powers and Duties:** Section 23-3-3 NMSA 1978: sue and be sued; contract; acquire land; do all things necessary to carry out its duties; and supervise and control all functions of the operation and management of the miners' hospital of New Mexico.

**Duplication, Similarity or Connection with Other Agencies:** Department of health

**Can Existing Agency Perform Function?** Yes. The legislature could choose to have the hospital under the authority of the department of health like other health institutions. Board was created in 1975, and all property of the hospital was transferred from the hospitals and institutions department to the board.

**Category:** Health and Human Services

**National Service, State Commission for the Corporation for (AmeriCorps)**

**Statutory Reference:** Not statutory

**Organizational Status:** N/A

**Policy or Advisory?** Policy

**Rulemaking Authority?** N/A

**Federal Mandate?** Yes, federal National and Community Service Act.

**Senate Confirmation?** No

**Funding:** Federal funds

**Membership:** Twenty-five voting members and three ex-officio members.

**Other:** Commission is federally funded.

**Powers and Duties:** Review requests for funding by the federal corporation for national service, which administers the AmeriCorps program, and make recommendations.

**Duplication, Similarity or Connection with Other Agencies:** No

**Can Existing Agency Perform Function?** N/A

**Category: Health and Human Services**

**Medically Fragile Children's Advisory Board**

**Statutory Reference:** Not statutory

**Organizational Status:** N/A

**Policy or Advisory?** N/A

**Rulemaking Authority?** N/A

**Federal Mandate?** Yes, federal Child Abuse Prevention and Treatment Act.

**Senate Confirmation?** No

**Funding:** Federal funds

**Membership:** Five members.

**Powers and Duties:** Gather information about the needs of medically fragile children; contribute toward designing training for social workers, foster and adoptive families and other providers in the needs of medically fragile children; and collate and disseminate resource literature.

**Duplication, Similarity or Connection with Other Agencies:** N/A

**Can Existing Agency Perform Function?** N/A

**Category:** Health and Human Services

**Citizens' Advisory Board of the Juvenile Reintegration Centers  
and Juvenile Community Residential Facilities**

**Statutory Reference:** Not statutory

**Organizational Status:** N/A

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No. American correctional association standards for juvenile community residential facilities, community involvement section.

**Senate Confirmation?** No

**Funding:** Unspecified

**Membership:** Seven members.

**Powers and Duties:** To enhance effectiveness of the reintegration centers and residential facilities in reintegrating youth back into their communities; and to advise program directors and superintendent regarding program effectiveness.

**Duplication, Similarity or Connection with Other Agencies:** There are other advisory bodies in this department regarding department mission and juvenile community corrections.

**Can Existing Agency Perform Function?** Apparently required to meet American correctional association standards.

**Category: Health and Human Services**

**Patient Qualification Review Board**

**Statutory Reference:** Section 26-2A-5 NMSA 1978 (Controlled Substances Therapeutic Research Act)

**Organizational Status:** Serves at pleasure of secretary of health.

**Policy or Advisory?** Something more than advisory.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** No direct appropriation; statute provides for reimbursement for attendance at rate of \$40.00 per day.

**Membership:** Members recommended by medical society. Includes ophthalmologist, medical oncologist and psychiatrist/neurologist.

**Other:** Program and board are defunct.

**Powers and Duties:** Section 26-2A-5 NMSA 1978: review all applicants for Lynn Pierson therapeutic research program and their physicians and certify their participation in program; and may include other disease groups for participation in program after approval of FDA, DEAF and national institute on drug abuse.

**Duplication, Similarity or Connection with Other Agencies:** N/A

**Can Existing Agency Perform Function?** N/A

**Category:** Health and Human Services

**Substitute Care Review, State Advisory Committee on**

**Statutory Reference:** Section 32A-8-4 NMSA 1978 (Citizen Substitute Care Review Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** Yes, 1983 federal court consent decree, civil docket #80-623JB.

**Senate Confirmation?** No

**Funding:** General appropriation act line item under DFA; statutory per diem and mileage.

**Membership:** Three people with expertise in the area of substitute care appointed by secretary of finance and administration and one representative of each local substitute care review board. No person employed by the department [presumably CYFD] or a district court may serve. DFA-appointed members serve three-year terms. Committee meets no less than twice annually and at call of chairman or when executive committee determines.

**Powers and Duties:** Section 32A-8-4 NMSA 1978: adopt rules relating to functions and procedures of local review boards and the state advisory committee, including guidelines for determination of appropriate type of review and information needed for all cases to be monitored by the local boards; review and coordinate activities of local boards; and make recommendations to the department, courts and legislature regarding statutes, policies and procedures related to substitute care.

Section 32A-8-5 NMSA 1978: determine criteria for membership and tenure on local review boards, after consultation with department of finance and administration and the contractor.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** Not without approval of court

**Category: Health and Human Services**

**Trauma Advisory Committee**

**Statutory Reference:** Section 24-10B-7 NMSA 1978 (Emergency Medical Services Act)

**Organizational Status:** Subcommittee of statewide emergency medical services advisory committee.

**Policy or Advisory?** Unspecified

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department of health; statutory per diem and mileage to the extent that funds are available.

**Membership:** Unspecified

**Powers and Duties:** Unspecified

**Duplication, Similarity or Connection with Other Agencies:** Emergency medical services has several organizations that deal with various aspects of the field; this is a subcommittee of one of the committees.

**Can Existing Agency Perform Function?** None noted

**Category: Health and Human Services**

**Veterans' Advisory Board, New Mexico**

**Statutory Reference:** Section 23-4-1 NMSA 1978

**Organizational Status:** Advisory to department of health and administrators of New Mexico state veterans' home and Fort Bayard medical center veterans' unit.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department of health; per diem and mileage not statutory.

**Membership:** Seven members as follows: chairman of veterans' service commission; director of veteran affairs; veteran of world war II; private nursing home administrator; registered nurse employed by nursing home; veteran of Korean conflict; and veteran of Vietnam conflict. Non-ex-officio members are appointed by governor for three-year terms.

**Powers and Duties:** Provide advice to the secretary of health and the veterans' home and Fort Bayard medical center veterans' unit regarding veterans' services.

**Duplication, Similarity or Connection with Other Agencies:** Department of health; veterans' service commission

**Can Existing Agency Perform Function?** Department or commission

**Category: Health and Human Services**

**Veterans' Service Commission, New Mexico**

**Statutory Reference:** Section 28-13-2 NMSA 1978 (Veterans' Service Act)

**Organizational Status:** Adjunct. Section 28-13-4 NMSA 1978 specifies that agency is a public corporation.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; statutory per diem and mileage in operational budget.

**Membership:** Five veterans appointed by governor with consent of senate. Terms are five years.

**Powers and Duties:** Section 28-13-4 NMSA 1978: sue and be sued and exercise all powers granted.

Section 28-13-5 NMSA 1978: make rules; disseminate information regarding laws beneficial to veterans and survivors; assist veterans and survivors in preparation, presentation and prosecution of claims against U.S. arising by reason of military or naval service; assist veterans and survivors in establishment of rights and procurement of all benefits; cooperate with federal agencies; and make annual reports.

Sections 28-13-9 through 28-13-12 NMSA 1978: act as personal representative of any deceased veteran or conservator of estate of any minor child of veteran.

Section 28-14-3 NMSA 1978: select children to receive educational benefits for children of deceased veterans.

**Duplication, Similarity or Connection with Other Agencies:** Veterans' approval agency (Section 28-13-13 NMSA 1978) exists in department of military affairs to carry out federal statutory requirements regarding evaluating and approving educational and training programs. Veteran housing appropriations go to the state housing authority of the economic development department.

**Can Existing Agency Perform Function?** Unknown

**Category: Health and Human Services**

**Women, Commission on the Status of**

**Statutory Reference:** Section 28-3-1 NMSA 1978

**Organizational Status:** Administratively attached to human services department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** No

**Federal Mandate?** No, but is the designated state agency for U.S. programs related to status of women unless otherwise designated.

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage in operating budget.

**Membership:** Fifteen members, including one member of human rights commission, appointed by governor. A majority of the members will be women and no more than eight members shall belong to any one political party. Terms are three years. Commission names director.

**Powers and Duties:** Section 28-3-2 NMSA 1978: stimulate and encourage study and review of status of women in state; act as clearinghouse for all activities involving the status of women; recommend methods of overcoming discrimination against women in public and private employment; promote methods for enabling women to develop their skills, continue their education and be retrained; cooperate with and assist public and private entities dealing with women; and conduct periodic conferences throughout the state to apprise women of their rights and opportunities and to learn from them of their needs and problems and secure recognition of women's accomplishments and contributions.

Section 28-3-3 NMSA 1978: receive gifts, donations or bequests; designated as state agency for handling federal programs related to status of women unless otherwise designated by law; and enter into agreements and contracts with federal agencies.

Section 28-3-8 NMSA 1978: carry out provisions of the Displaced Homemaker Act.

**Duplication, Similarity or Connection with Other Agencies:** Human rights division, labor department and human services department

**Can Existing Agency Perform Function?** Yes, see above

**Category: Military Affairs**

## **Armory Board, State**

**Statutory Reference:** Section 20-8-1 NMSA 1978

**Organizational Status:** Unclear — Section 20-3-2 NMSA 1978 provides that board is a subordinate support agency of the department of military affairs; Section 20-8-1 NMSA 1978 creates the board as a body corporate. The general appropriation act has the board as a separate agency.

**Policy or Advisory?** Policy — power to expend money.

**Rulemaking Authority?** Unspecified; adjutant general prescribes and issues rules that he and the board deem appropriate for operations of armories and exercise of powers.

**Federal Mandate?** None reported

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** Adjutant general, chairman; director of state programs office of department of military affairs as executive director; one commissioned officer of the army national guard; command sergeant major of the army national guard; and three members-at-large who are not members of the national guard. Adjutant general makes discretionary appointments, with concurrence of governor, for two-year terms.

**Powers and Duties:** Section 20-8-3 NMSA 1978: act on behalf of state in exercise of its powers and duties; hold title to armories on behalf of state; employ personnel; have control and supervision over acquisition, construction, replacement, repair alteration, improvement, furnishing, equipping, maintenance and operation of all armories and all money for those purposes; acquire property for military purposes; disregard requirements of Sections 13-6-3, 15-3-20 and 15-3-23 NMSA 1978; borrow money; enter into contracts; sell or exchange armory property or donate it to the state, county or municipality; guide, direct and supervise local armory boards, armory board council and state armory board fund; delegate power to local armory boards; regulate and audit armory rentals; submit annual report to governor; and meet quarterly or at call of adjutant general.

Section 20-8-6 NMSA 1978: board may issue bonds.

**Duplication, Similarity or Connection with Other Agencies:** Department of military affairs

**Can Existing Agency Perform Function?** Possibly department

**Category: Military Affairs**

## **Armory Board Council**

**Statutory Reference:** Section 20-8-2 NMSA 1978 (definition section)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** None reported

**Senate Confirmation?** No

**Funding:** No direct appropriation; per diem and mileage not statutory.

**Membership:** Chairmen of all local armory boards and members of state armory board; chaired by adjutant general; convened semiannually by call of state armory board.

**Powers and Duties:** Section 20-8-2 NMSA 1978: aid and advise the board in the formation of its rules and policies.

**Duplication, Similarity or Connection with Other Agencies:** State armory board; department of military affairs

**Can Existing Agency Perform Function?** Board or department

**Category: Military Affairs**

## **Awards Boards**

**Statutory Reference:** Section 20-10-2 NMSA 1978

**Organizational Status:** Unspecified

**Policy or Advisory?** Unspecified; presumably advisory.

**Rulemaking Authority?** No

**Federal Mandate?** None reported

**Senate Confirmation?** No

**Funding:** No

**Membership:** Members appointed by adjutant general; meet no less than quarterly.

**Other:** Functions are performed by military personnel with no per diem and mileage paid by state.

**Powers and Duties:** Section 20-10-2 NMSA 1978: review recommendations for state and federal awards and decorations submitted by their respective unit commanders and others.

**Duplication, Similarity or Connection with Other Agencies:** Adjutant general has ability to delegate award authority to battalion commanders, group commanders or equivalent of the national guard for those awards.

**Can Existing Agency Perform Function?** See above

**Category: Professional and Occupational Boards and Commissions**  
**Acupuncture and Oriental Medicine, Board of**

**Statutory Reference:** Section 61-14A-7 NMSA 1978 (Acupuncture and Oriental Medicine Practice Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = acupuncture and oriental medicine fund; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor for staggered three-year terms. Four members shall have been doctors of oriental medicine in New Mexico for at least five years and practicing for at least two years prior to their appointment. No more than two members shall be: owners of institutes offering educational programs in acupuncture and oriental medicine; a faculty member at an institute offering educational programs in acupuncture and oriental medicine; a tutor in acupuncture and oriental medicine or an officer or director in a professional association of acupuncture and oriental medicine. Three members shall be appointed to represent the public and shall not have practiced acupuncture or oriental medicine, be the owner, principal or director of an institute offering educational programs in acupuncture or oriental medicine and have no interest in the profession regulated. Members shall not serve more than two consecutive terms. Three consecutive unexcused absences results in automatic recommendation for removal.

**Powers and Duties:** Section 61-14A-8 NMSA 1978: enforce provisions of Acupuncture and Oriental Medicine Practice Act; adopt rules; adopt code of ethics; adopt and use seal; inspect institutions, tutorships and offices of licensees; provide for continuing education; employ agents or attorneys; issue investigative subpoenas; administer oaths; take testimony; conduct hearings in regard to discipline of licensees; and grant, deny, renew, suspend or revoke licenses to practice acupuncture or oriental medicine.

Section 61-14A-8.1 NMSA 1978: issue certification for extended and expanded prescriptive authority.

Other powers and duties: establish fees; provide for examination of applicants.

**Other:** Board has subpoena power.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Architects, Board of Examiners for**

**Statutory Reference:** Section 61-15-3 NMSA 1978 (Architectural Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = fund of the board of examiners for architects; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor for staggered three-year terms. The six architect members must have at least 10 years or more experience in the profession, five years of which shall have been in responsible charge of architectural projects, and shall have been registered as architects in New Mexico for at least five years. One of the six members shall be in architectural education from an accredited college of architecture. The seventh member represents the public, shall not have been licensed as an architect or have any interest in the occupation regulated. Removal is for cause.

**Powers and Duties:** Section 61-15-4 NMSA 1978: establish committees to carry out the provisions of the Architectural Act; subpoena witnesses; administer oaths and take testimony; prescribe professional and technical qualifications necessary for the practice of architecture in New Mexico; adopt and use an official seal; promote current architectural knowledge; license applicants; require continuing education as a condition of registration renewal; retain records and issue certificates for registration; deny, review, suspend or revoke a registration to practice architecture; and censure, fine, reprimand and place on probation and stipulation any architect in accordance with the Uniform Licensing Act. The board in cooperation with the state board of licensure for professional engineers and surveyors and the board of landscape architects shall create a joint practice committee.

Section 61-15-5 NMSA 1978: keep records; annually submit a report to the governor of the board's transactions of the preceding year accompanied by a complete statement of the receipts, expenditures and names and addresses of registered architects; set application, registration, renewal, examination and other fees; and may set criteria for training of intern architects.

**Other:** Board has subpoena power.

**Duplication, Similarity or Connection with Other Agencies:** Board of landscape architects, state board of licensure for professional engineers and surveyors

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Athletic Trainer Practice Board**

**Statutory Reference:** Section 61-14D-7 NMSA 1978 (Athletic Trainer Practice Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = athletic trainer practice board fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor for three-year staggered terms. Three members shall be licensed athletic trainers with at least three years' experience in New Mexico. One member shall be from each district and at least one member shall be employed by a high school. Two members shall represent the public and have no interest in the occupation regulated. One of public members shall be from any area north of interstate 40 and the other shall be from any area south of interstate 40. Members shall not serve more than two consecutive terms. Three unexcused absences results in automatic recommendation for removal.

**Powers and Duties:** Section 61-14D-8 NMSA 1978: consult with the department to administer, coordinate and enforce the provisions of the Athletic Trainer Practice Act; evaluate the qualifications of applicants; issue licenses and provisional permits; investigate practices that may violate the act; conduct, review and approve required examination; adopt rules for continuing education; hire staff; and maintain board records and financial records.

Section 61-14D-9 NMSA 1978: adopt rules and a code of ethics; establish fees; and conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of licenses.

**Duplication, Similarity or Connection with Other Agencies:** There is also an athletic commission.

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Barbers and Cosmetologists, Board of**

**Statutory Reference:** Section 61-17A-6 NMSA 1978 (Barbers and Cosmetologists Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = barbers and cosmetologists fund; statutory per diem and mileage.

**Membership:** Nine members appointed by the governor for staggered three-year terms. Five professional members shall be licensed and have at least five years' experience in their fields. Professional members shall be two barbers, two cosmetologists and one member representing school owners. The remaining four members shall be public members and they or their spouses shall not have been licensed pursuant to the provisions of the Barbers and Cosmetologists Act or have interest in the occupation regulated. Members shall not serve more than two consecutive terms. Three unexcused absences results in recommendation for removal.

**Powers and Duties:** Section 61-17A-7 NMSA 1978: adopt and file rules to carry out the provisions of the Barbers and Cosmetologists Act; adopt a seal; establish fees; inspect schools and establishments; establish administrative penalties and fines; furnish copies of rules and sanitary requirements; license barbers, cosmetologists, manicurist-pedicurists, estheticians, electrologists, instructors, schools, enterprises and establishments; provide a register of applicants for licensure, examination and license renewal; create and establish standards and fees for special licenses; establish continuing education requirements; hire an executive and other staff; and establish guidelines for schools to calculate tuition refunds for withdrawing students and keep a record of its proceedings.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Chiropractic Board**

**Statutory Reference:** Section 61-4-3 NMSA 1978 (Chiropractic Physician Practice Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = chiropractic fund; statutory per diem and mileage.

**Membership:** Six members appointed by the governor for staggered five-year terms. Four members shall have been engaged in chiropractic in New Mexico for at least five years. Two members represent the public and shall not have practiced chiropractic in any jurisdiction and have no interest in any school or college of chiropractic, medicine, surgery or osteopathy. Missing three consecutive meetings, either regular or special, results in automatic removal.

**Powers and Duties:** Section 61-4-3 NMSA 1978: adopt a seal; promulgate rules to implement and enforce the Chiropractic Physician Practice Act, including educational requirements for a chiropractic assistant; adopt a seal; hold semiannual examinations; and require continuing education.

Other powers and duties: issue licenses without examination; and refuse, suspend or revoke licenses.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Counseling and Therapy Practice Board**

**Statutory Reference:** Section 61-9A-7 NMSA 1978 (Counseling and Therapy Practice Act)

**Organizational Status:** Administratively attached to regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = counseling and therapy practice board fund; statutory per diem and mileage.

**Membership:** Nine members appointed by the governor for staggered four-year terms. Five members shall be professional members, who shall be a mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, a professional art therapist or an alcohol and drug abuse counselor, licensed under the Counseling and Therapy Practice Act and shall have engaged in a counselor and therapist practice for at least five years. These members shall not hold any elected or appointed office in any professional organization of counseling, psychology or a closely related field during their tenure on the board, nor shall they be school owners. Four members shall represent the public and not have been licensed or have practiced as a counselor or therapist practitioners or in any other regulated mental health profession, nor have interest in the professions regulated. All members shall be residents of New Mexico for at least five years. Members shall not serve more than two terms.

**Powers and Duties:** Section 61-9A-9 NMSA 1978: adopt rules to implement the Counseling and Therapy Practice Act; provide for semiannual examinations; establish passing scores; take disciplinary actions; require continuing education; resolve complaints; approve supervision and post-graduate experience; determine eligibility for licensure; set fees; establish criteria for supervision and supervisory requirements; establish code of conduct; and establish standards and other committees.

**Other:** Licenses/registrations for mental health counselors, marriage and family therapists, professional art therapists, substance abuse interns and alcohol and drug abuse counselors.

**Duplication, Similarity or Connection with Other Agencies:** Board of psychologist examiners

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Engineers and Surveyors, State Board of Licensure for Professional**

**Statutory Reference:** Section 61-23-5 NMSA 1978 (Engineering and Surveying Practice Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = professional engineers' and surveyors' fund; statutory per diem and mileage.

**Membership:** Five licensed professional engineers, at least one of whom shall be in engineering education, three licensed professional surveyors and two public members appointed by the governor for staggered five-year terms. Professional members shall have been engaged in the lawful practice of engineering or surveying for at least 10 years, including responsible charge of engineering and surveying projects for at least five years and shall be licensed in New Mexico. The engineering members may also be engaged in engineering education for at least 10 years, including responsible charge of engineering education for at least five years. The public members shall not have been licensed nor be qualified for licensure as an engineer, surveyor, architect or landscape architect and shall have no interest in the professions regulated. Removal is for misconduct, incompetency, neglect of duty, malfeasance in office or for any reason prescribed by law for removal of state officials. Members shall not be reappointed for at least two years after serving two consecutive terms. Missing three consecutive meetings results in automatic removal.

**Other:** Board may appoint provisional member if governor does not fill vacancy within three months.

**Powers and Duties:** Section 61-23-10 NMSA 1978: administer the Engineering and Surveying Practice Act; promulgate rules of procedures and rules of professional responsibility for professional engineers and professional surveyors; issue subpoenas in disciplinary action against a licensee or a person practicing or offering to practice without licensure; administer oaths or affirmations; create enforcement advisory committees; and create a joint standing committee in conjunction with the board of examiners for architects and the board of landscape architects.

**Other:** Board has subpoena power.

**Duplication, Similarity or Connection with Other Agencies:** Board of examiners for architects and board of landscape architects

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Interior Design Board**

**Statutory Reference:** Section 61-24C-4 NMSA 1978 (Interior Designers Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = interior design board fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor for staggered three-year terms. Two members shall be interior designers and three members shall represent the public and shall not have been licensed as interior designers or have interest in the occupation regulated. Members may not serve consecutive terms.

**Powers and Duties:** Section 61-24C-5: adopt rules to carry out the Interior Designers Act, including rules and standards of professional conduct and performance; provide for examination, licensure, application renewal and late fees; establish continuing education requirements for license renewal; establish ethical standards of practice for New Mexico; adopt a seal; conduct hearings; and maintain an official roster showing the name, address and license number of each licensed interior designer.

**Duplication, Similarity or Connection with Other Agencies:** Board of examiners for architects

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Landscape Architects, Board of**

**Statutory Reference:** Section 61-24B-6 NMSA 1978 (Landscape Architects Act)

**Organizational Status:** Administratively attached to regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = landscape architects fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor for staggered three-year terms. Three members shall be registered landscape architects for at least five years; the two public members shall represent the public and shall not have been licensed as landscape architects or have any interest in the occupation regulated. Professional members are appointed from lists submitted to the governor by the New Mexico chapter of the American society of landscape architects. Governor may remove members for neglect of duty, incompetence, improper or unprofessional conduct or any reason that would justify suspension or revocation of licensure. Members shall not serve more than two consecutive terms. Three unexcused absences results in automatic removal.

**Powers and Duties:** Section 61-24B-7 NMSA 1978: promulgate rules to effectuate the Landscape Architects Act; establish employments; provide for the examination, registration and re-registration of all applicants; adopt and use a seal; administer oaths and take testimony on matters within the board's jurisdiction; and grant, deny, renew, suspend or revoke certificates of registration.

**Duplication, Similarity or Connection with Other Agencies:** Board of examiners for architects and state board of licensure for professional engineers and surveyors

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Massage Therapy Board**

**Statutory Reference:** Section 61-12C-7 NMSA 1978 (Massage Therapy Practice Act)

**Organizational Status:** Administratively attached to regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = massage therapy fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor for staggered four-year terms. Three members shall be massage therapists, each with at least five years of massage therapy practice and who are actively engaged in the practice during their tenure. Two members shall be public members who have not been licensed and have no financial interest in the profession of massage therapy. Members shall not serve more than two consecutive terms. Three unexcused absences results in automatic recommendation for removal.

**Powers and Duties:** Section 61-12C-8 NMSA 1978: adopt rules to carry out the Massage Therapy Practice Act; inspect businesses; establish minimum training and educational standards for licensure; adopt an annual budget and a code for professional conduct; investigate complaints against licensees; bring actions for injunctive relief; issue cease and desist orders; and publish lists of licensed massage therapists, registered massage therapy instructors and registered massage therapy schools.

Other powers and duties: issue license by credentials.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Medical Examiners, NM Board of**

**Statutory Reference:** Section 61-6-2 NMSA 1978 (Medical Practice Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = board of medical examiners fund; statutory per diem and mileage.

**Membership:** Eight members appointed by the governor for staggered four-year terms. Six members shall be reputable physicians of known ability who are graduates of medical colleges or schools in good standing and who have been licensed physicians in and residents of New Mexico for a period of five years immediately preceding the date of their appointment. Two members represent the public and shall not have practiced as physicians or have any interest in the occupation regulated and are residents of New Mexico. Physician members are appointed from list of names submitted by the New Mexico medical society. Three unexcused absences results in automatic removal.

**Other:** Secretary-treasurer and board members interviewing applicants may be compensated.

Board has subpoena power. Communications regarding disciplinary action are confidential communications.

**Powers and Duties:** Section 61-6-5 NMSA 1978: enforce and administer the provisions of the Medical Practice Act, the Physician Assistant Act and the Impaired Physician Act; adopt and use a seal; administer oaths to all applicants, witnesses and others appearing before the board; take testimony on matters within board's jurisdiction; keep an accurate record of meetings, receipts and disbursements; keep records of examinations and licensees, including records of renewals, suspensions, revocations, probations, stipulations, censures, reprimands and fines; hire staff; contract with investigators to investigate possible violations; hire a competent attorney; establish continuing medical education requirements for physicians and physician assistants; and establish committees.

Other powers: license physician assistants; license by endorsement; and issue subpoenas.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards, particularly board of osteopathic medical examiners

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Nutrition and Dietetics Practice Board**

**Statutory Reference:** Section 61-7A-5 NMSA 1978 (Nutrition and Dietetics Practice Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = nutrition and dietetics fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor for staggered three-year terms. Three of the members are licensed dietitians or nutritionists with at least three years of nutrition or dietetics practice in New Mexico; two members represent the public with no interest in the practice regulated. Members shall not serve more than two full terms. Three absences results in automatic removal.

**Powers and Duties:** Section 61-7A-6 NMSA 1978: develop and administer examinations; evaluate qualifications of applicants; issue licenses; investigate persons or practices in violation of the Nutrition and Dietetics Practice Act; revoke, suspend or deny licenses; and adopt an annual budget, code of ethics and rules. Board may contract with RLD for office space and administrative support.

Other powers and duties: license by credentials; establish continuing education requirements; and charge fees.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Nursing, Board of**

**Statutory Reference:** Section 61-3-8 NMSA 1978 (Nursing Practice Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = board of nursing fund; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor for staggered four-year terms, who must be state residents. Four members shall be licensed nurses, one preferably a licensed practical nurse; three represent the public and shall not have been licensed as registered or licensed practical nurses or have any significant financial interest in the practice regulated. No more than two board members shall be appointed from any one county; no more than two registered nurses shall be appointed from any one county; and no more than two registered nurses shall be from any one field of nursing. Registered nurses shall be licensed in the state and have at least five years' experience in nursing, be currently engaged in professional nursing and have been actively engaged in professional nursing for at least three years immediately preceding appointment or reappointment. Members shall not serve more than two full or partial terms, consecutive or otherwise. Failure to attend 70 percent of meeting days annually, regular or special, results in automatic removal.

**Powers and Duties:** Section 61-3-10 NMSA 1978: adopt and revise rules; prescribe standards and approve curricula and surveys for educational programs and licensures; grant, deny or withdraw approval from educational programs for failure to meet prescribed standards; examine, license and renew licenses; conduct discipline and licensure denial, suspension or revocation hearings; prosecute violators of the Nursing Practice Act; keep records; make annual report to governor; appoint a qualified registered nurse as director and other staff; require continuing education as a condition of license renewal and study methods of monitoring continuing competence; appoint advisory committees; provide for an inactive nurses list; license qualified certified nurse practitioners, certified registered nurse anesthetists and clinical nurse specialists; and establish standards for prescriptive authority to certified nurse practitioners and clinical nurse specialists. The board also sets licensure fees.

Section 61-3-10.1 NMSA 1978: certify hemodialysis technicians, approve training programs and set fees.

Section 61-3-10.2 NMSA 1978: certify medication aides and training programs and set fees.

Section 61-3-29.1 NMSA 1978: create diversion programs to rehabilitate impaired nurses.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Nursing Home Administrators, Board of**

**Statutory Reference:** Section 61-13-4 NMSA 1978 (Nursing Home Administrators Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = nursing home administrators fund; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor for staggered three-year terms. Three members of the board shall be nursing home administrators licensed and practicing under the Nursing Home Administrators Act. One member shall be a practicing physician licensed in New Mexico and three members shall be from the public who have no interest in the nursing home industry. Board members must be U.S. citizens and state residents; not more than one member shall be an employee of a state or other public agency. Failure to attend three consecutive meetings, at least two of which were regular meetings, results in automatic removal.

**Powers and Duties:** Section 61-13-6 NMSA 1978: adopt and revise rules; approve applicants for licensure and renewal, reciprocity, reinstatement and reactivation; cause the prosecution or enjoinder of persons violating the act; submit annual report; employ administrative personnel; and maintain register of licensees and applicants.

Other powers and duties: approve or establish courses of study for initial applicants and continuing education; and charge fees.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Occupational Therapy, Board of Examiners for**

**Statutory Reference:** Section 61-12A-8 NMSA 1978 (Occupational Therapy Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = board of examiners for occupational therapy fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor for staggered three-year terms. Three members shall have a minimum of five years' professional experience, two of which are in New Mexico. One professional member may be a certified occupational therapy assistant and one may be a retired registered occupational therapist. The two public members shall represent the public and have no interest in the occupation regulated; they also must not be a convicted felon, habitually intemperate, addicted to drugs or guilty of any violation of the Controlled Substances Act. All members shall have been residents of New Mexico for at least two years prior to their appointment. Members shall not serve more than two consecutive terms. Three unexcused absences results in recommendation for removal.

**Powers and Duties:** Section 61-12A-9 NMSA 1978: adopt rules; use funds appropriately; adopt a code of ethics; enforce the provisions of the Occupational Therapy Act; establish and collect fees; examine and license applicants; impose and collect fines for violations; appoint a registrar; obtain legal assistance of the attorney general; hire or contract with an attorney; issue investigative subpoenas; hire complaint investigators; and inspect establishments and designate hearing officers.

Section 61-12A-14 NMSA 1978: issue licenses by endorsement.

**Other:** Board has subpoena power.

**Duplication, Similarity or Connection with Other Agencies:** Physical therapy board

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Optometry, Board of**

**Statutory Reference:** Section 61-2-5 NMSA 1978 (Optometry Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = optometry fund; statutory per diem and mileage.

**Membership:** Six members appointed by the governor for staggered five-year terms. Four members shall have been residents of New Mexico for at least five years and have been continuously engaged in the practice of optometry. The remaining two members represent the public and shall have no interest in the occupation regulated. Members may be removed for cause. Members shall not serve more than two consecutive terms. Three unexcused absences results in automatic removal.

**Powers and Duties:** Section 61-2-6 NMSA 1978: administer and enforce the Optometry Act; adopt rules; adopt and use a seal; administer oaths and take testimony; keep accurate records of meetings, receipts and disbursements, examinations and applicant information and book of registration; grant, deny, renew, suspend or revoke licenses to practice optometry; develop and administer qualifications for certification for the use of topical ocular pharmaceutical agents and oral pharmaceutical agents; suspend an optometrist's license for the use of pharmaceutical agents without prior certification; and employ agents or attorneys.

Section 61-2-10 NMSA 1978: certify for use of topical ocular pharmaceutical agents.

Section 61-2-10.2 NMSA 1978: certify for the use of oral pharmaceutical agents, including controlled substances.

Other powers and duties: license by endorsement; and charge fees.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Osteopathic Medical Examiners, Board of**

**Statutory Reference:** Section 61-10-5 NMSA 1978 (Chapter 61, Article 10 NMSA 1978)

**Organizational Status:** Administratively attached to regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = osteopathic medical fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor to serve five-year terms. Three members shall be New Mexico-licensed osteopathic physicians in good standing and who have been practicing for at least two years immediately prior to their appointment. The two public members shall not have been licensed as osteopathic physicians, nor shall they have any significant interest in the occupation regulated. Three unexcused absences results in automatic removal.

**Powers and Duties:** Section 61-10-5 NMSA 1978: have and use common seals and adopt rules relating to the enforcement of Chapter 61, Article 10 NMSA 1978.

Other powers and duties: charge fees; issue licenses without examination to osteopaths licensed in another country, state, territory or province; refuse to issue or suspend or revoke licenses; and require and prescribe continuing education.

Section 61-10A-3 NMSA 1978: administer and enforce Osteopathic Physicians' Assistants Act.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards, particularly board of medical examiners

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Pharmacy, Board of**

**Statutory Reference:** Section 61-11-4 NMSA 1978 (Pharmacy Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Adjunct

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = pharmacy fund; statutory per diem and mileage.

**Membership:** Nine members appointed by the governor for staggered five-year terms. Districted pharmacist members are selected from lists submitted by the New Mexico pharmaceutical association, with one member from each of the five pharmacy districts; they shall have been actively engaged in the pharmaceutical profession in New Mexico for at least three years immediately prior to appointment and have a minimum of eight years' practical experience. Districted pharmacist members shall reside in the pharmacy district from which they were appointed. One member shall be appointed at-large from a list of the New Mexico society of health systems pharmacists. Three members shall represent the public and have no interest in the occupation regulated. Governor may remove for cause. Board members shall not serve more than two full terms, consecutive or otherwise. Failure to attend three consecutive regular meetings results in automatic removal.

**Powers and Duties:** Section 61-11-6 NMSA 1978: adopt rules; examine applicants; license pharmacists and interns; license retail and nonresident pharmacies, wholesale drug distributors, drug manufacturers, hospital pharmacies, nursing home drug facilities and industrial and public health clinics and all places where dangerous drugs are stored, distributed or administered and inspect facilities and activities; prescribe activities and duties of pharmacy owners and pharmacists; enforce laws pertaining to the practice of pharmacy and the manufacture, production, sale or distribution of drugs or cosmetics and their standards of strength and purity; conduct disciplinary hearings; deny, suspend or revoke a registration or license; keep records; employ director and define his duties and responsibilities; register and regulate qualifications, training and permissible activities of pharmacy technicians; and adopt rules and protocols, after approval by the New Mexico board of medical examiners and the board of nursing, for prescribing dangerous drug therapy, including vaccines, immunizations and the appropriate notification of the primary or appropriate physician of the person receiving the dangerous drug

therapy. The board may delegate its authority to issue temporary licenses to director and provide by rule for the electronic transmission of prescriptions.

Section 61-11B-3 NMSA 1978: adopt rules to carry out the provisions of the Pharmacist Prescriptive Authority Act.

Chapter 26, Article 1 NMSA 1978: administer and enforce the New Mexico Drug, Device and Cosmetic Act.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** None noted; board has broader function than other licensing boards.

**Category: Professional and Occupational Boards and Commissions**  
**Physical Therapy Board**

**Statutory Reference:** Section 61-12D-4 NMSA 1978 (Physical Therapy Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rule Making Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = physical therapy fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor for staggered three-year terms. Three members are physical therapists who are residents of the state, possess unrestricted licenses and have been practicing in New Mexico for at least five years. Two members shall be citizens appointed from the public who are not associated with or financially interested in any health care profession. Removal is for cause.

**Powers and Duties:** Section 61-12D-5 NMSA 1978: examine all applicants for licensure and issue licenses and permits; regulate the practice of physical therapy by interpreting and enforcing the provisions of the Physical Therapy Act, including taking disciplinary action; adopt rules; establish requirements for assessing continuing competency; collect fees; provide for orientation and training of new board members; employ director and other staff; hire an attorney; establish ad hoc committees; enter into contracts; publish annual final disciplinary actions taken against any physical therapist or assistant; and prescribe the forms of license certificates, application forms or other documents.

Other powers and duties: charge fees; and issue interim permits to foreign-trained applicants.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Podiatry, Board of**

**Statutory Reference:** Section 61-8-5 NMSA 1978 (Podiatry Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = podiatry fund; statutory per diem and mileage.

**Membership:** Five members appointed by the governor for staggered five-year terms. Three members shall be licensed podiatrists who have practiced in New Mexico for at least three consecutive years immediately prior to appointment. Two members shall represent the public and shall not have been licensed podiatrists or have any interest in the occupation regulated. Removal is for cause. No board member shall serve more than two consecutive full terms. Three consecutive unexcused absences is cause for automatic removal.

**Powers and Duties:** Section 61-8-6 NMSA 1978: administer and enforce the provisions of the Podiatry Act; adopt rules; adopt and use a seal; conduct hearings; administer oaths and take testimony on any matters within the board's jurisdiction; examine and license applicants; keep records of registration of all licensed podiatrists; grant, deny, renew, suspend or revoke licenses to practice podiatry; adopt and promulgate rules setting standards of preliminary and professional qualifications for podiatrists as well as podiatric assistants; and adopt rules and administer examinations for applicants seeking licensure as podiatrists, podiatric assistants and foot and ankle radiation technologists.

Other powers and duties: license by reciprocity; and charge fees.

**Other:** Podiatrists are covered by physician-patient privilege.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Private Investigators and Polygraphers Advisory Board**

**Statutory Reference:** Section 61-27A-5 NMSA 1978 (Private Investigators and Polygraphers Act)

**Organizational Status:** Advisory to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = private investigator and polygrapher fund; statutory per diem and mileage.

**Membership:** The department shall appoint an advisory board consisting of two licensed private investigators, one licensed private patrol operator, one licensed polygraph examiner and one member of the public.

**Powers and Duties:** Section 61-27A-5 NMSA 1978: assist in the conduct of the examination process for licensure and in any other manner aid in the administration of the Private Investigators and Polygraphers Act.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Psychologist Examiners, New Mexico State Board of**

**Statutory Reference:** Section 61-9-5 NMSA 1978 (Professional Psychologist Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = psychology fund; statutory per diem and mileage.

**Membership:** Eight members appointed by the governor for staggered three-year terms. Four members shall be licensed psychologists appointed by list provided by New Mexico psychological association, the state psychologist association and the New Mexico school psychologist association. One member shall be licensed under the act as a psychologist or psychologist associate. Three members shall be public members who are laymen and have no significant interest in the occupation regulated. Removal is for cause.

**Powers and Duties:** Section 61-9-6 NMSA 1978: adopt rules to effect the purpose of the Professional Psychologist Act; employ an administrator and other personnel; adopt a seal; examine, approve, deny, revoke, suspend or renew the licensure of psychologists and psychologist associates; conduct disciplinary hearings; prosecute and enjoin; and submit a report to the governor within 60 days of the end of the fiscal year concerning the work of the board of the preceding fiscal year.

Other powers and duties: charge fees; license without written examination persons certified by the American board of examiners in professional psychology and who pass an oral examination; and license without written or oral examination persons licensed in other states or territories.

Section 61-9-17.1 NMSA 1978: issue conditional prescription certificates and prescription certificates.

**Duplication, Similarity or Connection with Other Agencies:** Counseling and therapy practice board

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Public Accountancy Board, New Mexico**

**Statutory Reference:** Section 61-28B-4 NMSA 1978 (1999 Public Accountancy Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = public accountancy fund; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor for staggered three-year terms. Four members shall be certified public accountants or registered public accountants who have practiced for at least five calendar years immediately preceding their appointment. Three members shall represent the public and shall not have held a certificate or permit to practice public accountancy in any state or shall not have a significant interest in the public accountancy profession or in a firm. Public members shall have professional or practical experience in the use of accounting services and financial statements, so as to be qualified to make judgments about the qualifications and conduct of persons subject to the provisions of the 1999 Public Accountancy Act. A professional member whose certificate to practice has been suspended or revoked automatically ceases to be a member of the board. Removal is for cause.

**Powers and Duties:** Section 61-28B-5 NMSA 1978: employ an executive director; appoint committees or persons to advise or assist in carrying out the provisions of the 1999 Public Accountancy Act; retain its own counsel in addition to the advice and assistance provided by the attorney general; contract, sue and be sued; obtain and use a seal; cooperate with the appropriate authorities in other states in investigation, enforcement and comparable acts of other states; adopt rules to carry out the 1999 Public Accountancy Act and the conduct of certificate and permit holders; and maintain a registry of names and addresses of all certificate and permit holders.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Real Estate Appraisers Board**

**Statutory Reference:** Section 61-30-5 NMSA 1978 (Real Estate Appraisers Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = appraiser fund; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor for terms of five years. Four members shall be licensed or certified real estate appraisers; membership in a professional appraisal organization shall not be a prerequisite to serve. No more than two real estate appraiser members shall be from any one licensed or certified category. No more than two members shall be from any one county within New Mexico, and at least one real estate appraiser member shall be from each congressional district. One member of the board shall represent lenders or their assignees engaged in the business of lending funds secured by mortgages. Two members shall represent the public and not have engaged in the business of real estate appraisals or have any financial interest in real estate appraisal or any real-estate-related business. Professional members shall not be appointed for more than two five-year terms.

**Powers and Duties:** Section 61-30-7 NMSA 1978: adopt rules to implement the Real Estate Appraisers Act; establish educational programs and research projects related to the appraisal of real estate; establish administrative procedures for processing applications and issuing registrations, licenses and certificates; determine who may qualify to be registered, licensed and certified real estate appraisers; receive, review and approve applications for state registered real estate appraisers, state licensed or certified real estate appraisers and each category of state certified real estate appraisers; prepare or supervise the preparation of examination questions and answers; supervise grading of examinations and enter into contracts with one or more educational testing services or organizations for such examinations; define the extent and type of educational experience, appraisal experience and equivalent experience that will meet the requirements for registration and licensing, provide for continuing education programs for the renewal of registrations, licenses and certificates; set minimum requirements; adopt standards to define the education programs; adopt standards for the development and communication of real estate appraisals; adopt rules explaining and interpreting the standards after considering generally recognized appraisal practices; adopt a code of professional responsibility for state

registered, licensed and certified real estate appraisers; comply with annual reporting requirements and other requirements set forth in the federal real estate appraisal reform amendments; maintain a registry of the names and addresses of the individuals who hold current registrations, licenses and certificates; and establish procedures for disciplinary action.

Other powers and duties: meet at least annually in each of the congressional districts; appoint and pay per diem and mileage to committees; employ and compensate staff; charge fees; and register, license or certify by reciprocity.

**Duplication, Similarity or Connection with Other Agencies:** Real estate commission

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Real Estate Commission, New Mexico**

**Statutory Reference:** Section 61-29-4 NMSA 1978

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = real estate commission fund; statutory per diem and mileage.

**Membership:** Five members who have been New Mexico residents for three consecutive years immediately prior to their appointment, four of whom shall be real estate brokers licensed in New Mexico and one of whom shall be a member of the public and never licensed as a real estate broker or salesperson; provided that not more than one member shall be from any one county within the state. Terms are five years. Removal is for cause.

**Powers and Duties:** Section 61-29-4 NMSA 1978: possess all the powers and perform all the duties prescribed by Chapter 61, Article 29 NMSA 1978 and as otherwise provided by law; expressly vested with the power and authority to make and enforce any rules to carry out the provisions of that article.

Other powers and duties: license and renew, suspend or revoke licenses; employ staff; charge fees; keep records; adopt rules for continuing educational programs; may require professional liability insurance coverage and may establish the minimum terms and conditions of coverage, including limits of coverage and permitted exceptions; and solicit sealed, competitive proposals from insurance carriers to provide a group professional liability insurance policy.

Section 61-29-21 NMSA 1978: administer the Real Estate Recovery Fund Act.

**Duplication, Similarity or Connection with Other Agencies:** Real estate appraisers board

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Respiratory Care Practitioners, Advisory Board of**

**Statutory Reference:** Section 61-12B-1 NMSA 1978 (Respiratory Care Act)

**Organizational Status:** Advisory to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = respiratory care fund; statutory per diem and mileage.

**Membership:** Five members appointed by the superintendent for three-year terms. The membership shall consist of one physician who is knowledgeable in respiratory care; two respiratory care practitioners, at least one of whom shall have been actively engaged in the practice of respiratory care for at least five years immediately preceding appointment; and two public members who are residents of New Mexico that have not been licensed as a respiratory care practitioner or have any interest in the occupation regulated. Members may not serve more than two consecutive terms. Three consecutive unexcused absences is cause for automatic removal.

**Powers and Duties:** Section 61-12B-6 NMSA 1978: consult with the department on the licensure of respiratory care practitioners.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Social Work Examiners, Board of**

**Statutory Reference:** Section 61-31-7 NMSA 1978 (Social Work Practice Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = board of social work examiners fund; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor for staggered three-year terms who are representative of the geographic and ethnic groups in the state and who have been residents for at least five years. Four members shall have been engaged in the social work practice for at least five years; at least two of the four shall hold master's degrees in social work and at least two shall hold bachelor's degrees in social work from schools accredited by the council on social work education. At least one of the professional members shall be engaged primarily in clinical social work practice, one primarily in education and one primarily in administration or research in social organization, planning and development. The four professional members shall not hold office in any professional organization of social workers during their tenure on the board. Three members represent the public and shall not have been licensed or have practiced as social workers or have any significant financial interest in the occupation regulated. Professional members shall be appointed from a list submitted by social work organizations and individual social work professionals. Removal is for cause; three unexcused absences is cause for automatic removal. Members shall not serve more than two consecutive terms.

**Powers and Duties:** Section 61-31-8 NMSA 1978: adopt rules to carry out the Social Work Practice Act; select, prepare and administer written examinations for licensure, including the knowledge of New Mexico cultures; adopt a professional code of ethics; appoint advisory committees; conduct hearings and investigations; require continuing education; issue subpoenas, statements of charges and statements of intent to deny licenses; approve appropriate supervision for persons seeking licensure as an independent social worker; issue provisional licenses and licenses; determine qualifications for licensure; set fees for licenses; authorize all disbursements; approve the selection of primary staff assigned to the board; contract with the department for the provisions of space and administrative support; keep a record of all proceedings; and make an annual report to the governor.

Other powers and duties: license by credentials; and establish an impaired social workers' program.

**Other:** The board has subpoena power and can delegate that power.

Social workers have limited privilege.

**Duplication, Similarity or Connection with Other Agencies:** Counseling and therapy practice board and board of psychologist examiners

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Speech-Language Pathology, Audiology and Hearing Aid Dispensing**  
**Practices Board**

**Statutory Reference:** Section 61-14B-9 NMSA 1978 (Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = speech-language pathology, audiology and hearing aid dispensing practices fund; statutory per diem and mileage.

**Membership:** Ten members appointed by the governor for staggered three-year terms. Members must have been residents for at least five years prior to appointment. Two members shall be licensed speech language pathologists, two members shall be licensed audiologists, two members shall be licensed hearing aid dispensers, one member shall be a licensed otolaryngologist and three members shall represent the public and have no interest in the profession regulated. Members shall not serve more than two full consecutive terms. Three unexcused absences results in automatic recommendation for removal.

**Powers and Duties:** Section 61-14B-11 NMSA 1978: adopt rules and establish policy necessary to carry out the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act; require continuing education; adopt a code of ethics; conduct disciplinary hearings; investigate complaints against licensees by issuing investigative subpoenas prior to the issuance of a notice of contemplated action; hire staff; establish fees for licensure; provide for the licensing, renewal, denial, suspension or revocation of licenses; and license by reciprocity, including temporary permits for speech language pathologists, audiologist or hearing aid dispensers.

**Duplication, Similarity or Connection with Other Agencies:** Other health-related boards

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Thanatopractice, Board of**

**Statutory Reference:** Section 61-32-5 NMSA 1978 (Thanatopractice Act)

**Organizational Status:** Administratively attached to the regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = thanatopractice fund; statutory per diem and mileage.

**Membership:** Six members appointed by the governor for four-year terms. Three members shall be funeral service practitioners who have been licensed in New Mexico for at least five years; one member shall be a direct disposer or health care practitioner who has been licensed in New Mexico for at least five years; and two members shall represent the public and shall not have been licensed for the practice of funeral service or direct disposition in this state or any other jurisdiction and shall not ever have had any financial interest in any funeral, commercial or direct disposition establishment or crematory. Members shall not serve more than two full consecutive terms. Three unexcused absences results in recommendation for removal.

**Powers and Duties:** Section 61-32-6 NMSA 1978: adopt rules necessary to carry out the provisions of the Thanatopractice Act; require continuing education; conduct disciplinary hearings; take administrative actions; establish reasonable fees; investigate violations; establish committees; apply for injunctive relief; impose fines for violations in addition to other administrative or disciplinary costs; and conduct criminal background checks on applicants for licensure.

Section 61-32-7 NMSA 1978: administer the provisions of the act; provide for examination, licensing and renewal of applicants and licensees; and provide for the inspection of establishments and crematories.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** N/A

**Category: Professional and Occupational Boards and Commissions**  
**Veterinary Medicine, Board of**

**Statutory Reference:** Section 61-14-4 NMSA 1978 (Veterinary Practice Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; other state funds = veterinary fund; statutory per diem and mileage.

**Membership:** Seven members appointed by the governor for staggered four-year terms. Five members shall have been licensed to practice veterinary medicine in the state for five years; and two members shall represent the public and have no financial interest in the occupation regulated. Members shall not serve more than two consecutive four-year terms. Absences from three consecutive meetings, regular or special, results in automatic removal.

**Powers and Duties:** Section 61-14-5 NMSA 1978: examine and determine applicants for license; regulate artificial insemination and pregnancy diagnosis; establish license and permit fees; conduct investigations; employ personnel; establish standards for practice of veterinary medicine; certify veterinary technicians; establish a five-member veterinary technician examining committee; require continuing education requirements for license renewal; and regulate the operation of veterinary facilities.

Other powers and duties: appoint an impaired-veterinarian committee to administer the program; and license by endorsement.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** N/A

**Category: Public Safety and Criminal Justice**  
**Alcohol Server Education Advisory Committee**

**Statutory Reference:** Section 60-6E-11 NMSA 1978 (Alcohol Server Education Act)

**Organizational Status:** Administratively attached to the alcohol and gaming division of the regulation and licensing department.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department; per diem and mileage not statutory.

**Membership:** Ten members as follows: director of the alcohol and gaming division; secretary of public safety; secretary of health; chief of traffic safety bureau; three representatives of retail liquor industry; one representative of wholesale liquor industry; one representative of insurance industry; and one representative of nonprofit organization whose primary purpose is to reduce drunk driving in New Mexico. Public members are appointed by director; the director serves as chairman. Committee must meet not less than twice a year.

**Powers and Duties:** Section 60-6E-12 NMSA 1978: assist the division to develop standards, course requirements and materials for program, procedures attendant to the program, certification standards for providers and instructors and certification of alcohol server education programs that meet minimum standards of the committee.

**Duplication, Similarity or Connection with Other Agencies:** Alcohol and gaming division of regulation and licensing department

**Can Existing Agency Perform Function?** Division

**Category:** Public Safety and Criminal Justice

**Community Corrections Advisory Panels  
(Application Review Panel and State Selection Panel)**

**Statutory Reference:** Sections 33-9-6 and 33-9-7 NMSA 1978 (Adult Community Corrections Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Unspecified; per diem and mileage not statutory.

**Membership:** Section 33-9-6 NMSA 1978: application review panel number unspecified, but consists of representatives of corrections, the judiciary, law enforcement, local and tribal government, interested organizations and general public. Members are appointed by secretary of corrections.

Section 33-9-7 NMSA 1978: state selection panel has no membership specified.

**Powers and Duties:** Section 33-9-6 NMSA 1978: work jointly with any application panel created pursuant to Juvenile Community Corrections Act.

Section 33-9-7 NMSA 1978: screen and identify appropriate criminal offenders sentenced to imprisonment, except those from district with local panel; and recommend placement in community corrections programs and modification of sentence to judge.

**Duplication, Similarity or Connection with Other Agencies:** Similar to local panels; department also screens inmates.

**Can Existing Agency Perform Function?** Corrections department

**Category: Public Safety and Criminal Justice**  
**Community Corrections Advisory Panel**  
**(Juvenile Application Panel and State Selection Panel)**

**Statutory Reference:** Sections 33-9A-4 and 33-9A-5 NMSA 1978 (Juvenile Community Corrections Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Unspecified

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Unspecified; per diem and mileage not statutory.

**Membership:** Section 33-9A-4 NMSA 1978: application panel number unspecified, but consists of representatives of juvenile corrections, the judiciary, law enforcement, local and tribal government, interested organizations and general public. Members are appointed by secretary of children, youth and families.

Section 33-9A-5 NMSA 1978: selection panel unspecified.

**Powers and Duties:** Section 33-9A-4 NMSA 1978: review all applications for grants from fund; and make recommendations to secretary of children, youth and families regarding each application.

Section 33-9A-5 NMSA 1978: screen and identify appropriate delinquents sentenced to imprisonment, except those from judicial district with local panel; and recommend placement in community corrections programs and modification of disposition to judge or juvenile parole board.

**Duplication, Similarity or Connection with Other Agencies:** Similar to local panels; there may be duplication with duties of juvenile parole board and department.

**Can Existing Agency Perform Function?** See above

**Category: Public Safety and Criminal Justice**  
**Corrections Population Control Commission**

**Statutory Reference:** Section 33-2A-4 NMSA 1978 (Corrections Population Control Act)

**Organizational Status:** Autonomous, nonpartisan body; staff support provided by corrections department.

**Policy or Advisory?** Unspecified, but can order the release of inmates.

**Rule-making Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through corrections department; statutory per diem and mileage.

**Membership:** Seven members as follows: secretary of corrections, who serves as the chairman; and public officials or private citizens appointed by the chief justice, the speaker of the house, the president pro tempore of the senate, the minority leader of the house, the minority leader of the senate and the governor. Appointed members serve until June 30, 2007. Vacancies are filled by appointing authority. When an appointing authority changes, he may replace the existing member.

**Other:** Commission is terminated on June 30, 2007 and the secretary of corrections assumes its powers and duties.

**Powers and Duties:** Section 33-2A-5 NMSA 1978: study and recommend policies and mechanisms to manage inmate population growth; review corrections department forecast models; provide information concerning impacts of changes in sentencing policies and law enforcement policies; analyze future construction needs; prepare legislation; consider its recommendations in light of public safety; and submit an annual report.

Section 33-2A-7 NMSA 1978: governor may convene commission to consider release of nonviolent offenders who are within 180 days of projected release. Commission may convene itself for same reason on two-thirds' vote of appointed members.

**Duplication, Similarity or Connection With Other Agencies:** Corrections department

**Can Existing Agency Perform Function?** Corrections department

**Category: Public Safety and Criminal Justice**  
**Corrections Commission**

**Statutory Reference:** Section 33-1-4 NMSA 1978 (Corrections Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Unspecified; duties under Corrections Industries Act seem to be substantive.

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Unspecified; members; statutory per diem and mileage.

**Membership:** Seven members appointed by governor with consent of senate for four-year terms; not more than four members may be of the same political party; four shall have displayed interest in juvenile correction and rehabilitation; and three shall have displayed interest in adult correction and rehabilitation. Failure to attend three consecutive meetings without being excused results in automatic removal.

**Other:** Membership may be outdated; section has not been amended since 1977. Department no longer has responsibility for juvenile corrections.

**Powers and Duties:** Section 33-1-4 NMSA 1978: advise director of the division [corrections department] in management and control of division [department].

Section 33-8-6 NMSA 1978 (Corrections Industries Act): determine enterprises to be conducted in facilities in such volume, kind and place to eliminate inmate idleness and provide diversified work activities; determine whether enterprise should be established, expanded, diminished or discontinued; establish policy with respect to conduct of enterprises; approve prices; consult with state agencies and local public bodies to develop new products and adapt existing products; act as liaison with private industry, organized labor, legislature and general public; obtain and provide technical assistance; hold meetings, at least quarterly; recommend to department adoption of rules; adopt policies and procedures that permit an enterprise to make purchases; review, approve, adopt and monitor annual budget for all enterprises; recommend names of qualified individuals for appointment as director of corrections industries division; assist in inmate occupational placement upon release with parole board and field services division; and prepare annual report, including financial statements.

Section 33-8-7 NMSA 1978: direct administration of the corrections industries revolving fund.

Section 33-8-8 NMSA 1978: establish compensation plan for inmates in enterprise programs and public works.

**Duplication, Similarity or Connection with Other Agencies:** Corrections department

**Can Existing Agency Perform Function?** Yes, department could perform functions.

**Category: Public Safety and Criminal Justice**  
**Crime Victims Reparation Commission**

**Statutory Reference:** Section 31-22-4 NMSA 1978 (Crime Victims Reparation Act)

**Organizational Status:** Adjunct

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** Five members appointed by governor for staggered four-year terms. Not more than three members may be from same political party. One member is an attorney, one a physician and one a representative of a law enforcement agency.

**Other:** Commission has subpoena power.

**Powers and Duties:** Section 31-22-4 NMSA 1978: employ director and other staff.

Section 31-22-5 NMSA 1978: review claims and hold claims hearings.

Section 31-22-17 NMSA 1978: adopt, amend and repeal rules.

Section 31-22-21 NMSA 1978: expend the crime victims reparation fund.

Section 31-22-23 NMSA 1978: may compel production of books, records and papers pertinent to an investigation or hearing pursuant to the act.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category: Public Safety and Criminal Justice**  
**Criminal and Juvenile Justice Coordinating Council**

**Statutory Reference:** Section 9-3-10 NMSA 1978 (Corrections Department Act)

**Organizational Status:** Statute provides administrative attachment to governor's office; governor's office has transferred administration to corrections department.

**Policy or Advisory?** Unspecified; however, council receives appropriations and can hire staff.

**Rulemaking Authority?** Unspecified

**Federal Mandate?** Yes, Juvenile Justice and Delinquency Prevention Act requires a coordinating council if a state participates in the JJDP grant program; 1994 omnibus crime bill requires a coordinating council for federal funding.

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** Twenty-three members as follows: attorney general; district attorney appointed by the district attorneys' association; chief public defender; two district court judges, one a children's court judge, appointed by district court judges' association; court of appeals judge appointed by chief judge; dean of law school; secretary of corrections; secretary of public safety; secretary of children, youth and families; county sheriff appointed by director of association of counties; two public members appointed by governor, one of whom is designated chairman by the governor; three public members appointed by president pro tempore of senate; three public members appointed by speaker of the house; two public members appointed by chief justice of supreme court; one public member who is a Native American practicing attorney, appointed by president of state bar; and president of NM victim assistance organization. Members serve at the pleasure of the appointing authority. Membership must reflect reasonable geographical and urban-rural balances and regard for the incidence of crime and the distribution and concentration of law enforcement services.

**Powers and Duties:** Section 9-3-10 NMSA 1978: hold meetings as necessary; hire staff; prepare annual budget; establish policies for operation of council and supervision of staff; advise executive, judicial and legislative branches on policy matters relating to criminal and juvenile justice; make recommendation to the legislature regarding proposed changes to law; study Criminal Sentencing Act, Criminal Code and other criminal statutes; review past studies or reports on changes to Criminal Code, Criminal Sentencing Act and other criminal statutes; study past and current criminal sentencing and release practices and create statistical database for simulating impact of various sentencing policies; study full range of prison, nonprison and intermediate sanctions; study, develop and define specific criminal sentencing policies and make recommendations that address major policy issues as specified; assess impact of council

recommendations to modify criminal sentencing policy on availability of and need for correctional resources and programs; monitor any enacted sentencing guidelines; conduct research; and serve as clearinghouse.

Section 9-3-10.1 NMSA 1978: authorized to inspect, copy, receive and review all records, data and information in the possession of state and local agencies, within limits. Council shall promulgate rules for inspection, copying, receipt, review and reporting records.

Section 9-3-10.2 NMSA 1978: may accept grants, donations or gifts.

**Duplication, Similarity or Connection with Other Agencies:** No

**Can Existing Agency Perform Function?** Not without change in federal legislation

**Category: Public Safety and Criminal Justice**  
**Juvenile Justice Advisory Committee**

**Statutory Reference:** Section 9-2A-14 NMSA 1978 (Children, Youth and Families Department Act)

**Organizational Status:** Unspecified; serves as the "supervisory board" under federal act.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Unspecified

**Federal Mandate?** Yes — federal Juvenile Justice and Delinquency Prevention Act of 1974.

**Senate Confirmation?** No

**Funding:** Federal funds; statutory per diem and mileage.

**Membership:** Unspecified

**Powers and Duties:** Section 9-2A-16 NMSA 1978: policy-making, planning and review powers over certain functions pursuant to federal act.

Section 33-12-4 NMSA 1978: review and approve all grant applications pursuant to Regional Juvenile Services Act.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** Would require federal change.

**Category: Public Safety and Criminal Justice**  
**Juvenile Parole Board**

**Statutory Reference:** Section 32A-7-2 NMSA 1978 (Juvenile Parole Board Act)

**Organizational Status:** Administratively attached to children, youth and families department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** Three members appointed by governor for six-year terms. Members must be qualified by education or professional training in such fields as criminology, education, psychology, psychiatry, law, social work or sociology; members may not be officials or employees of any federal, state or local government entity. Governor designates chairman and appoints the director. Removal as provided in Article 5, Section 5 of the constitution.

**Powers and Duties:** Section 32A-7-6 NMSA 1978: grant, deny or revoke parole for children; conduct investigations, examinations, interviews, hearings and other proceedings; summon witnesses and evidence and administer oaths; maintain records; adopt official seal; adopt written policy specifying criteria used to grant, deny or revoke parole; adopt rules; and contract for services, supplies and other provisions.

**Duplication, Similarity or Connection with Other Agencies:** Same as parole board for adults

**Can Existing Agency Perform Function?** Parole boards could be merged.

**Category: Public Safety and Criminal Justice**  
**Mounted Patrol Board of Directors**

**Statutory Reference:** Section 29-6-2 NMSA 1978

**Organizational Status:** Volunteer

**Policy or Advisory?** Policy; has control, management, supervision and power of internal organization.

**Rulemaking Authority?** Yes, for internal purposes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** None

**Membership:** Unspecified; one member from each troop of the mounted patrol elected by the members for two-year terms.

**Other:** Mounted patrol is an all-volunteer organization.

**Powers and Duties:** Section 29-6-4 NMSA 1978: assist in the enforcement of law by cooperating with all law enforcement agencies and regulatory bodies of the state when requested by those agencies and under their direction and control; and act as an official bodyguard to governor or distinguished visitors upon the call of the governor.

Section 29-6-5 NMSA 1978: may be detailed to assist and render aid in specific instances involving law enforcement or other matters when assistance and aid is requested by state or local law enforcement agencies; and when acting on such call, have same powers and duties as the requesting authorities and be covered by workers' compensation.

Section 29-6-6 NMSA 1978: governor may call out mounted patrol in case of insurrection, invasion, riot, breach of peace or imminent danger.

**Duplication, Similarity or Connection with Other Agencies:** State police; sheriff's offices; municipal police

**Can Existing Agency Perform Function?** None noted

**Category: Public Safety and Criminal Justice**

**Law Enforcement Academy Board, New Mexico**

**Statutory Reference:** Section 29-7-3 NMSA 1978 (Law Enforcement Training Act)

**Organizational Status:** Administratively attached to department of public safety.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Indirect through law enforcement academy; statutory per diem and mileage.

**Membership:** Attorney general, who is chairman; and eight members appointed by governor with consent of senate, one of whom is a citizen-at-large and one of whom is a police officer at or below the rank of sergeant at the time of appointment. At all times, board shall have represented on it, as members, one municipal police chief, one sheriff, one state police officer, one district attorney, one certified police chief of a New Mexico Indian tribe or pueblo, one sergeant or below and two citizens-at-large. Terms are four years.

**Powers and Duties:** Section 29-7-4 NMSA 1978: approve or disapprove appointment of the director of the academy by the secretary; develop and implement a planned program of basic law enforcement training and in-service law enforcement training; prescribe qualifications for instructors and prescribe courses of instruction; report annually to governor; accept donations, contributions, grants or gifts; adopt, publish and file rules; issue, grant, deny, renew, suspend or revoke a peace officer's certification for a cause specified in the act; administer oaths and take testimony; and perform all other appropriate acts.

Section 29-7-5.1 NMSA 1978: academy director may be removed by board.

**Duplication, Similarity or Connection with Other Agencies:** Academy

**Can Existing Agency Perform Function?** None noted

**Category: Public Safety and Criminal Justice**  
**Governor's Organized Crime Prevention Commission**

**Statutory Reference:** Section 29-9-3 NMSA 1978 (Organized Crime Act)

**Organizational Status:** Administratively attached to state police and to corrections department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Commission defunct; had been general fund agency.

**Membership:** Seven members appointed by governor with consent of senate; no more than four members may belong to same political party; at least one member is a member of the New Mexico bar; terms are four years. Members must be of unquestioned integrity and high standing and influence; selected for geographical representation; and be given security clearance.

**Other:** Legislature essentially eliminated the commission in 1995 through reduced appropriation.

Commission has subpoena power.

**Powers and Duties:** Section 29-9-4 NMSA 1978: forestall, check and prevent infiltration and encroachment of organized crime into public and private affairs in state; investigate extent to which organized crime and racketeering has or has not infiltrated and encroached; investigate those conditions that may or may not lead to infiltration and encroachment; and report to proper authorities.

Section 29-9-5 NMSA 1978: assess and evaluate activities and problems involving organized crime in state; develop comprehensive plan for suppression and control of organized crime in state; recommend programs to combat organized crime; examine matters relating to law enforcement intra- and interstate; make annual report; keep public informed; advise and assist AG, district attorneys or other law enforcement officials; cooperate with federal government; conduct investigations as necessary; conduct private and public hearings; receive testimony, examine witnesses and request production of evidence; administer oaths or affirmations; issue subpoenas after resolution of at least five members of commission; and petition district court ex parte to order attendance.

**Other:** Sections 29-9-12 and 29-9-13 NMSA 1978: legislature has oversight committee consisting of speaker, president pro tempore and minority leader of senate and delineates its powers and duties.

**Duplication, Similarity or Connection with Other Agencies:** State police and local law enforcement

**Can Existing Agency Perform Function?** None noted; department of public safety relies on commission's investigative and subpoena powers.

**Category: Public Safety and Criminal Justice**

**Public Safety Advisory Commission**

**Statutory Reference:** Section 9-19-11 NMSA 1978 (Department of Public Safety Act)

**Organizational Status:** Policy advisory to department of public safety.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** Unspecified

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** Unspecified; per diem and mileage not statutory.

**Membership:** Seven citizens appointed by governor with consent of senate; terms are three years.

**Other:** As the department's due process body for disciplinary proceedings, commission meets as needed.

**Powers and Duties:** Section 9-19-11 NMSA 1978: advise secretary on policy matters respecting activities of department; and conduct disciplinary proceedings for state police division officers as required by Section 29-2-11 NMSA 1978 and serve its findings and conclusions on secretary for executions.

**Duplication, Similarity or Connection with Other Agencies:** State personnel board

**Can Existing Agency Perform Function?** Department reports commission is necessary because of its due-process functions.

**Category: Public Safety and Criminal Justice**  
**Search and Rescue Review Board, State**

**Statutory Reference:** Section 24-15A-6 NMSA 1978 (Search and Rescue Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy-advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Unspecified; per diem and mileage not statutory.

**Membership:** State search and rescue resource officer, who is nonvoting; secretary of public safety; secretary of health; representative of civil air patrol division of department of military affairs; representative of NM emergency services council; member certified as search and rescue person; member of sheriffs' association; chief of state police division; and member of general public who is chairman and votes only in case of tie. Non-ex-officio members are appointed by governor for three-year terms. Members are removed if they miss more than two consecutive meetings.

**Powers and Duties:** Section 24-15A-6 NMSA 1978: evaluate operation of the search and rescue plan; evaluate problems of specific missions; make findings of fact and recommendations to the chief, director and other appropriate authorities; meet at least quarterly; evaluate operation and effectiveness of state SAR plan and make recommendations to director of technical and emergency support division of department of public safety; evaluate operational effectiveness of specific missions; make findings of fact and recommendations to chief and other appropriate authorities for elimination of problems and improvement of overall conduct of mission; hold hearings and invite individuals to appear and testify before the board and reimburse witnesses for travel expenses incurred; prepare report for attorney general in cases of victim hospitalization or death; and with approval of chief, certify field coordinators and confirm certification of SAR personnel.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category: Public Safety and Criminal Justice**  
**Parole Board**

**Statutory Reference:** Section 31-21-24 NMSA 1978 (Parole Board Act)

**Organizational Status:** Administratively attached to corrections department.

**Policy or Advisory?** Yes

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** Nine members appointed by governor with consent of senate. Members serve full-time for staggered six-year terms. Members are people qualified by academic training or professional experience and may not be employed by any federal, state or local governmental entity. Removal in accordance with Article 5, Section 5 of the constitution.

**Powers and Duties:** Section 31-21-25 NMSA 1978: grant, deny or revoke parole; conduct investigations, examinations, interviews, hearings and other proceedings; summon witnesses and books, etc.; maintain records of its acts; adopt official seal; employ personnel; contract for services, etc.; adopt rules; provide a written statement of reason for denying or revoking parole; and adopt written policy specifying criteria for consideration of granting, denying or revoking parole or discharge of parolee.

Section 31-21-25.1 NMSA 1978: establish rules and implement medical and geriatric parole program.

Section 31-5-7 NMSA 1978: hold hearings pursuant to Western Interstate Corrections Compact.

**Duplication, Similarity or Connection with Other Agencies:** There is also a juvenile parole board.

**Can Existing Agency Perform Function?** The two boards might be combined to save administrative costs.

**Category: Sports**

## **Athletic Commission, New Mexico**

**Statutory Reference:** Section 60-2A-3 NMSA 1978 (Professional Athletic Competition Act)

**Organizational Status:** Administratively attached to regulation and licensing department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; OSF = athletic commission fund; statutory per diem and mileage.

**Membership:** Five members appointed by governor, three of whom have experience in professional sports and two who represent the public; no more than three may be from the same political party. Terms are staggered four-year terms; members are limited to two full consecutive terms.

**Other:** Commission has subpoena power.

The privilege tax provided in act (on total gross receipts of any professional contest), as well as license fees, go to the athletic commission fund.

**Powers and Duties:** Section 60-2A-4 NMSA 1978: meet at least twice a year; adopt rules to carry out provisions of act; and prepare all forms of contracts between sponsors, licensees, promoters and contestants.

Section 60-2A-5 NMSA 1978: may employ executive secretary and other staff.

Section 60-2A-7 NMSA 1978: appoint medical advisory board.

Other provisions of act: commission has sole direction, management, control and jurisdiction over all professional contests conducted in state; may issue contest licenses and physician licenses; may suspend or revoke any license issued; and has subpoena power.

**Duplication, Similarity or Connection with Other Agencies:** There is also an athletic trainer practice board.

**Can Existing Agency Perform Function?** Possibly regulation and licensing department

**Category:** Sports

## **Bicycle Racing Commission**

**Statutory Reference:** Section 60-2D-3 NMSA 1978 (Bicycle Racing Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Would have been from state's share of pari-mutuel wagering.

**Membership:** Three members appointed by governor for six-year terms.

**Other:** Commission has never been constituted. The New Mexico attorney general has determined that the Bicycle Racing Act violates the federal Professional and Amateur Sports Protection Act. Commission has subpoena power.

**Powers and Duties:** Section 60-2D-5 NMSA 1978: license all persons desiring to participate in bicycle racing at Keiren velodrome tracks in state approved by commission; supervise all licensees and all races and tracks; set time, place and duration of all races; suspend or revoke licenses for violations of rules of commission; do all other things necessary; have all places where meets are held to be inspected at least once a year; require all pari-mutuel meets held at Keiren velodrome tracks in accordance with commission rules; supervise operations of pari-mutuel machines and equipment and operations of all money rooms, accounting rooms and windows; supervise weighing and inspection of bicycles; and make saliva and urine tests on racers.

Other powers and duties: hire executive secretary and other employees; govern application procedures; supervise direction and discipline of licensees; govern issuance, suspension and revocation of licenses; bar persons from bicycle racing and tracks; determine distribution of gross receipts of all pari-mutuel wagers; set standards for holding, conducting and operating races, meets and tracks; and investigate complaints and enforce act.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** N/A

**Category:** Sports

**Medical Advisory Board (New Mexico Athletic Commission)**

**Statutory Reference:** Section 60-2A-7 NMSA 1978 (Professional Athletic Competition Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory to athletic commission.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** None; statute requires members serve without compensation.

**Membership:** Three physicians appointed by commission; members must have at least five years' experience in medical practice.

**Other:** Board meets only when needed; costs are absorbed by promoters.

**Powers and Duties:** Section 60-2A-7 NMSA 1978: prepare and submit to commission standards for physical and mental examinations of professional boxers and wrestlers that safeguard their health; recommend physicians qualified to make examinations; and advise commission as to physical and mental fitness of any individual boxer or wrestler.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category:** Sports

## **Racing Commission, State**

**Statutory Reference:** Section 60-1-3 NMSA 1978 (Horse Racing Act)

**Organizational Status:** Administratively attached to tourism department.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes

**Funding:** General appropriation act; statutory per diem and mileage in budget.

**Membership:** Five members appointed by governor with consent of senate, no more than three from same political party; no less than three shall be practical breeders of racehorses; none may be an officer, official or director in any association or corporation conducting racing in state. Members must have character and reputation that promotes public confidence in the administration of racing affairs. Terms are six years.

**Other:** Commission has limited subpoena power.

**Powers and Duties:** Section 60-1-3 NMSA 1978: grant, refuse and revoke licenses; make rules for holding, conducting and operating race meets and races in state; set racing dates; make annual report; require information from applicants; supervise and check the making and distribution of pari-mutuel pools; inspect race meets; make rules governing, restricting or regulating bids on leases; regulate admission rates, performance of services and sales; approve improvements to tracks; supervise and control pari-mutuel machines and equipment; approve contracts and agreements for payments and salaries, fees and compensations by a licensee; regulate size of purse, stake or reward; exclude from race courses people deemed detrimental to the best interests of racing; compel production of documents; investigate operations of a licensee; employ staff as peace officers; summon witnesses and evidence; and administer oaths and appoint hearing officers.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** Regulation and licensing department

**Category:** Transportation

**Cumbres and Toltec Scenic Railroad Commission**

**Statutory Reference:** Section 16-5-3 NMSA 1978 (Cumbres and Toltec Scenic Railroad Compact)

**Organizational Status:** Interstate agency

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** General appropriation act; statutory per diem and mileage.

**Membership:** Two members from New Mexico, two members from Colorado. New Mexico members are appointed by governor and serve at his pleasure.

**Powers and Duties:** Section 16-5-7 NMSA 1978: has all power necessary to carry out provisions of the compact.

Section 16-5-9 NMSA 1978: has authority to incur indebtedness for capital expenditures.

Section 16-5-11 NMSA 1978: may establish user fees.

**Other:** Section 16-5-6 NMSA 1978: commission is exempt from provisions of Personnel Act and Procurement Code.

**Duplication, Similarity or Connection with Other Agencies:** No

**Can Existing Agency Perform Function?** No; would require change in compact.

**Category:** Transportation

**Health Standards Advisory Board**

**Statutory Reference:** Section 66-5-6 NMSA 1978 (Motor Vehicle Code)

**Organizational Status:** Advisory to motor vehicle division.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Indirect through department; members receive limited hourly rate in addition to per diem and mileage.

**Membership:** Three members of the healing arts professions appointed by the director with the assistance of the secretary of health.

**Powers and Duties:** Section 66-5-6 NMSA 1978: advise director on physical and mental criteria and vision standards relating to the licensing of drivers; and advise director on individual applicants or licensees.

**Duplication, Similarity or Connection with Other Agencies:** None noted

**Can Existing Agency Perform Function?** None noted

**Category: Transportation**

## **Highway Commission, State**

**Statutory Reference:** Article 5, Section 14 of the constitution of New Mexico; Sections 67-3-1 through 67-3-22 NMSA 1978

**Organizational Status:** Unspecified; state highway and transportation department, which the highway commission directs, is cabinet department with a secretary appointed by the governor.

**Policy or Advisory?** Policy

**Rulemaking Authority?** Yes

**Federal Mandate?** No

**Senate Confirmation?** Yes, by three-fifths' vote.

**Funding:** General appropriation act; statutory per diem and mileage in department's budget.

**Membership:** Six members appointed by the governor, with the advice and consent of the senate, for staggered six-year terms. Members are appointed from the six highway commission districts. No more than four members may belong to same political party.

**Other:** If the governor does not submit names for confirmation, the senate shall appoint and confirm.

**Powers and Duties:** Section 67-3-2 NMSA 1978: the state highway commission has the power to determine all matters of policy for the state highway and transportation department.

**Duplication, Similarity or Connection with Other Agencies:** State highway and transportation department

**Can Existing Agency Perform Function?** Department could function as other cabinet departments without commission; would require a constitutional amendment.

**Category:** Transportation

**Highway and Transportation Selection Committee**

**Statutory Reference:** Subsection D of Section 13-1-121 NMSA 1978 requires committee to be created by rule (Procurement Code)

**Organizational Status:** Unspecified

**Policy or Advisory?** Policy in that it selects professionals for state public works contracts; selection committees may change with projects.

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Unspecified; unclear whether per diem and mileage is statutory.

**Membership:** Unspecified

**Powers and Duties:** Section 13-1-120 NMSA 1978: evaluate statements of qualifications and performance data submitted by at least three businesses; may conduct interviews and require public presentations; select, ranked in order of qualifications, no fewer than three businesses deemed most highly qualified; and consider criteria specified in section, not including price.

**Duplication, Similarity or Connection with Other Agencies:** Similar to selection committees required for architects, engineers, surveyors and landscape architects at property control division.

**Can Existing Agency Perform Function?** None noted

**Category:** Transportation

## **Litter Control Council**

**Statutory Reference:** Section 67-16-4 NMSA 1978 (Litter Control and Beautification Act)

**Organizational Status:** Unspecified

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Unspecified; per diem and mileage for nonpublic members unclear.

**Membership:** Governor appoints one representative of the public; two members of keep New Mexico beautiful; three representatives of environmental organizations; and one each from the following: mayors of keep America beautiful system cities; city managers; the New Mexico broadcasters' association; newspapers; the league of women voters; the New Mexico soft drink association; New Mexico hotel and motel association; New Mexico grocers association; New Mexico liquor wholesalers association; New Mexico retail liquor dealers association; garden clubs; New Mexico municipal league; New Mexico association of counties; New Mexico retail association; New Mexico public interest research group; agricultural organizations; association of commerce and industry of New Mexico; New Mexico home builders association; New Mexico automotive dealers association; local keep America beautiful system programs; New Mexico motor carriers' association; New Mexico restaurant association; and recycle New Mexico. Ex-officio members include the secretaries of energy, minerals and natural resources, tourism and highway and transportation; chief of state police division; and director of the environmental improvement division. Appointed members serve two-year terms. Council meets at least quarterly. Council appoints a seven-member executive committee.

**Other:** The state highway and transportation department is required to appoint a litter control coordinator. Council administration and grants are supported by the 50¢ fee on motor vehicle registrations.

**Powers and Duties:** Section 67-16-12 NMSA 1978: sponsor litter control and beautification programs; and fund projects and activities.

Section 67-16-10 NMSA 1978: design and produce a litter bag.

**Duplication, Similarity or Connection with Other Agencies:** State highway and transportation department

**Can Existing Agency Perform Function?** Perhaps department or individual communities; question may be whether state litter control and beautification efforts are more successful than individual communities trying to maintain singular efforts.

**Category:** Transportation

**Traffic Safety Bureau Advisory Committee**

**Statutory Reference:** Section 66-7-505 NMSA 1978 (Traffic Safety Act)

**Organizational Status:** Advisory to the traffic safety bureau.

**Policy or Advisory?** Advisory

**Rulemaking Authority?** No

**Federal Mandate?** No

**Senate Confirmation?** No

**Funding:** Unspecified; statutory per diem and mileage.

**Membership:** Five members as follows: the chief, an ex-officio, is the chairman and a voting member. The governor shall appoint three members: one who is from a law enforcement agency, one from the school bus transportation function of the state department of public education and one from the motor transportation division of the taxation and revenue department. Appointed members terms are coterminous with that of the governor.

**Powers and Duties:** Section 66-7-511 NMSA 1978: shall meet to study and evaluate all applications for federal grants.

**Duplication, Similarities or Connection With Other Agencies:** Department

**Can Existing Agency Perform Function?** Department